



CITY OF MADISON HEIGHTS

CITY HALL - COUNCIL CHAMBERS, 300 W. 13 MILE RD.

CITY COUNCIL REGULAR MEETING AGENDA

SEPTEMBER 14, 2026 AT 6:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILOR GERALDS

APPROVAL OF THE AGENDA:

- [1.](#) Additions/Deletions

PRESENTATIONS

- [2.](#) Proclamation Recognizing Constitution Week
- [3.](#) Proclamation Recognizing National Patriot Week
- [4.](#) City Clerk - Certificate of appreciation honoring Clifford Oglesby

MEETING OPEN TO THE PUBLIC:

CONSENT AGENDA:

- [5.](#) Human Resources - Military Leave Resolution
- [6.](#) City Council Regular Meeting Minutes of August 24, 2026

REPORTS:

- [7.](#) City Planner: Special Land Use Request #PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog/Pet Boarding)
- [8.](#) City Planner: Special Land Use Request #PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)
- [9.](#) Assistant City Attorney - Amendment to Settlement Agreement - Artic Fox, LLC d/b/a JARS Cannabis

BID AWARDS/PURCHASES:

- [10.](#) Fire Chief - Large Diameter Hose Replacement

ORDINANCES:

- [11.](#) Assistant City Attorney - Ordinance 2213 - Amendment to Water and Sewer Ordinance for Rentals - First Reading
- [12.](#) Assistant City Attorney - Kratom Prohibition Ordinance 2214 - First Reading

UNFINISHED BUSINESS:

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

DATE: September 8, 2026
TO: City Council
FROM: Melissa R. Marsh, City Manager
SUBJECT: Agenda Comments Regular Council Meeting of Monday, September 14, 2026

PRESENTATIONS:

Constitution Week – September 17–23, 2026

Diane Mazurek will be present to accept the proclamation recognizing September 17–23, 2026 as Constitution Week and encouraging residents to reflect on the Constitution, civic engagement, and the responsibilities of citizenship.

National Patriotism Week – September 7–13, 2026

Angela Johnson, leader of the Clawson-Troy Elks Lodge #2169, will be present to accept the proclamation recognizing National Patriotism Week and honoring veterans, members of the Armed Forces, and those who demonstrated courage and service on September 11.

Certificate of Appreciation Honoring – Clifford Ogelsby

The Mayor and City Council will be presenting a certificate of appreciation to Cliff Ogelsby for his many years of volunteering to the City of Madison Heights.

CONSENT AGENDA:

Human Resources Director – Military Leave Resolution

This resolution establishes a consistent 26-day paid military leave benefit for eligible full-time City employees and formalizes the City's existing pay-differential practice for employees on long-term active military leave.

REPORTS:

City Planner: Special Land Use Request #PSP 26-05- Major Home Occupation at 30159 Brush Street

The applicant, Hali Fortuna, is requesting Special Land Use approval to operate a limited pet boarding business from her home at 30159 Brush Street. The proposed business, Elu & Friends Pet Care LLC, currently provides in-home pet care, dog walking, and pet transportation and is seeking to add appointment-only boarding for dogs, cats, and small animals. The proposal would

have one employee, with boarding occurring inside the home and fenced backyard, and only one client's pets boarded at a time. The applicant has also submitted supplemental information for Council consideration following the Planning Commission meeting. After a public hearing on August 25, 2026, which included letters and public comments in opposition, the Planning Commission recommended denial of the Special Land Use request.

City Planner: Special Land Use Request #PSP 26-06- Major Home Occupation at 26126 Groveland Street

The applicant, Tonya Cole, is requesting Special Land Use approval to operate a licensed massage therapy business from a 144-square-foot detached accessory structure at 26126 Groveland Street. The business would be operated by the applicant on an appointment-only basis, with services provided between 8:00 a.m. and 8:00 p.m. and approximately 4–8 clients anticipated per day. Clients would park in the driveway and access the rear-yard structure. This is an after-the-fact request, as the business has operated from the shed on and off since at least 2022 without the required City approvals. Following a public hearing on August 25, 2026, including letters and public comments in opposition, the Planning Commission recommended denial of the Special Land Use request.

Assistant City Attorney - Amendment to Settlement Agreement – Arctic Fox, LLC d/b/a JARS Cannabis

The proposed amendment modifies the City's existing Settlement Agreement with Arctic Fox, LLC d/b/a JARS Cannabis to require an annual \$5,000 contribution to the Police Department budget for public safety purposes, beginning in 2026 in lieu other parking lot security measures. The first payment is due by October 30, 2026, with future payments due with JARS' annual licensing fees. All other terms of the existing agreement remain unchanged. Staff recommends approval and authorization for the City Manager to execute the amendment.

BID AWARDS AND PURCHASES:

Fire Chief – Large Diameter Fire Hose Replacement

The FY 2027 budget includes funding for the replacement of the Fire Department's large-diameter fire hose (LDH) inventory. The existing hose is more than 11 years old and exceeds the 10-year service life recommended by NFPA 1962. LDH is critical to fireground water-supply operations, and replacing the inventory will improve reliability and firefighter safety.

The City received eight qualified bids, with three vendors meeting all required specifications, including requirements related to hose weight and corrosion-resistant anodized couplings. The recommended

purchase is \$6,645 over the amount originally budgeted. However, this additional cost can be accommodated within the Fire Department's FY 2027 budget through identified departmental savings, with no additional appropriation from the General Fund required.

Staff recommends awarding the bid to the lowest qualified vendor, CSI Emergency Apparatus, in the amount of \$51,645. The purchase is consistent with the City's Capital Improvement Plan and funding approved in the FY 2027 budget.

ORDINANCE

Assistant City Attorney – Ordinance 2213 Amendment to Water and Sewer Rental Ordinance

This ordinance amendment updates the City's existing ordinance related to water and sewer for eligible rental homes to clarify the obligations of property owners/lessors participating in the City's water and sewer billing program.

The amendment is intended to ensure the City's ordinance is consistent with applicable state law and provides clear direction regarding the collection of delinquent water and sewer charges. Specifically, the amendment clarifies that when a property owner/lessor has complied with the requirements of the City's water and sewer program, the City may disconnect water and sewer service for non-payment.

The amendment also clarifies that the City may apply any required deposit toward delinquent charges and, if the delinquency is not resolved, may pursue a lien against the property if the property is not in compliance.

This amendment is primarily a clarification of the City's existing requirements and collection procedures and is intended to provide greater clarity to property owners/lessors and the City regarding enforcement of unpaid water and sewer charges including ability to disconnect service.

Staff recommend City Council approve this ordinance on first reading and schedule the second reading for September 28, 2026.

Assistant City Attorney - Kratom Prohibition Ordinance 2214 - First Reading

The proposed Kratom Prohibition Ordinance would amend Chapter 17 of the City Code to prohibit the possession, sale, manufacture, creation, delivery, and certain other activities involving kratom and kratom derivatives within the City of Madison Heights. The ordinance is intended to protect the public health, safety, and welfare and establishes criminal penalties and potential business license sanctions for violations.

This item is presented to City Council for first reading on September 14, 2026. If approved, the ordinance will return to Council for a second reading and consideration for adoption on September 28, 2026.

Staff recommends approval of the Kratom Prohibition Ordinance on first reading and scheduling the second reading for September 28, 2026.

**PROCLAMATION
CONSTITUTION WEEK - SEPTEMBER 17-23, 2026**

WHEREAS, the United States of America is commemorating the 250th anniversary of the Declaration of Independence in 2026, celebrating the founding principles of liberty, equality, representative government, and the inherent rights of all people; and

WHEREAS, those principles were secured and strengthened through the drafting and ratification of the Constitution of the United States, establishing a durable framework for self-government, the rule of law, and the protection of individual liberties; and

WHEREAS, September 17, 2026, marks the two hundred and thirty-ninth anniversary of the signing of the Constitution of the United States by the delegates to the Constitutional Convention in Philadelphia; and

WHEREAS, the Constitution remains the supreme law of the land, defining the powers and responsibilities of government while protecting the rights and freedoms of the American people; and

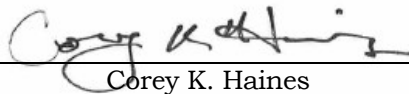
WHEREAS, Constitution Week, established by Public Law 85-915 and signed into law by President Dwight D. Eisenhower in 1956, is observed annually from September 17 through September 23 to encourage the study of the Constitution and emphasize the responsibilities and privileges of American citizenship; and

WHEREAS, Constitution Week provides an opportunity for residents to reflect upon the principles upon which our nation was founded and to recognize the importance of an informed and engaged citizenry in preserving our constitutional form of government; and

WHEREAS, educating future generations about our constitutional heritage and America's founding ideals helps preserve principles of liberty, justice, representative government, and equality that continue to guide our nation; and

WHEREAS, the City of Madison Heights encourages its residents to learn about and reflect upon the Constitution and the rights, freedoms, responsibilities, and civic duties it represents;

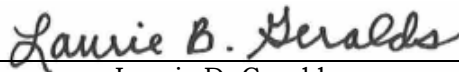
NOW, THEREFORE, I, Corey K. Haines Mayor of the City of Madison Heights, along with the Madison Heights City Council, do hereby proclaim September 17–23, 2026 as Constitution Week in the City of Madison Heights and encourage all residents to commemorate this important observance through education, civic engagement, and reflection upon the Constitution and the principles of American government and citizenship.



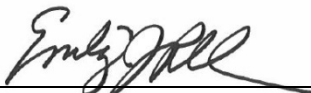
Corey K. Haines
Mayor



Toya Aaron
Councilwoman



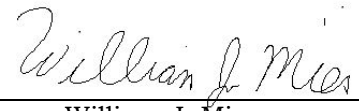
Laurie D. Gerald
Councilor



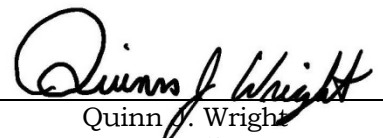
Emily J. Rohrbach
Councilor



Sean D. Fleming
Councilman



William J. Mier
Mayor Pro Tem



Quinn J. Wright
Councilor

**PROCLAMATION
NATIONAL PATRIOTISM WEEK - SEPTEMBER 7-13, 2026**

WHEREAS, Elks National Patriotism Week is observed annually as an opportunity for Americans to demonstrate their patriotism, reflect upon the freedoms and liberties we enjoy, and express gratitude to the men and women who have served and sacrificed to protect our nation; and

WHEREAS, the Benevolent and Protective Order of Elks has a long tradition of promoting patriotism, supporting veterans, honoring those who serve our country, and encouraging civic responsibility within communities throughout the United States recognizing that the freedoms enjoyed by Americans have come at great sacrifice and remain committed to honoring the service and sacrifice of members of our Armed Forces and supporting America's veterans; and

WHEREAS, Patriotism Week provides an opportunity to remember the heroes and victims of the September 11, 2001 terrorist attacks, including the first responders and ordinary citizens who demonstrated extraordinary courage and selflessness in the face of tragedy; and

WHEREAS, the Clawson-Troy Elks Lodge #2169 is commemorating National Patriotism Week through community activities that promote patriotism and civic responsibility, including a September 10 memorial service honoring the victims, first responders, and heroes of September 11; and

WHEREAS, the Clawson-Troy Elks Lodge will also recognize local students who participated in its Patriotism Essay Contest, celebrating young people who have reflected upon the meaning of patriotism and the responsibilities of citizenship; and

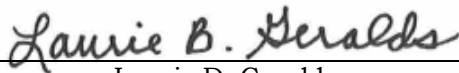
NOW, THEREFORE, I, Corey K. Haines, Mayor of the City of Madison Heights, along with the Madison Heights City Council, do hereby proclaim September 7–13, 2026 as National Patriotism Week in the City of Madison Heights and encourage all residents to join the Clawson-Troy Elks Lodge #2169 in honoring our veterans and Armed Forces, remembering the victims and heroes of September 11, and celebrating the values of patriotism, service, sacrifice, and responsible citizenship.



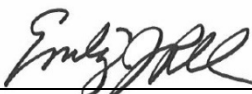
Corey K. Haines
Mayor



Toya Aaron
Councilwoman



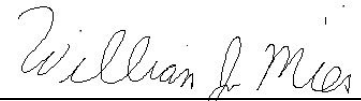
Laurie D. Gerald
Councilor



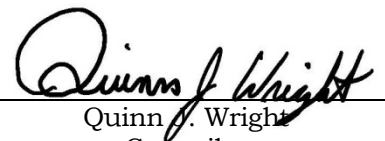
Emily J. Rohrbach
Councilor



Sean D. Fleming
Councilman



William J. Mier
Mayor Pro Tem



Quinn J. Wright
Councilor

**CITY OF MADISON HEIGHTS, MICHIGAN
 CERTIFICATE OF RECOGNITION TO CLIFFORD OGLESBY
 FOR OUTSTANDING CIVIC SERVICE AND VOLUNTEERISM**

WHEREAS, Clifford Oglesby has demonstrated an extraordinary commitment to the City of Madison Heights through decades of public service, volunteerism, and leadership on numerous boards and commissions; and

WHEREAS, his extensive civic involvement includes valuable contributions to the Municipal Building Authority, Housing Code of Appeals, Property Maintenance Board of Appeals, Crime Commission, CIP Review Committee, and the Community Development Block Grant Review Committee working to ensure the preservation of municipal facilities and critical capital infrastructure for our community and enhance the safety of our neighborhoods; and

WHEREAS, most recently he has lent his expertise and sound judgment as a long-standing member of the Zoning Board of Appeals and Planning Commission, helping guide the physical development and land-use decisions of our City with integrity and foresight; and

WHEREAS, Clifford Oglesby's selflessness, civic responsibility, and willingness to share his time and talent have had a positive impact on the quality of life in Madison Heights;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Madison Heights, on behalf of our entire community, hereby express their deepest gratitude and appreciation to Clifford Oglesby for his exceptional civic commitment, volunteerism, and enduring contributions to the betterment of the community and wish him continued health, happiness, and prosperity in all his future endeavors.

BE IT FURTHER RESOLVED, that a copy of this certificate of recognition be presented to Clifford Oglesby as a lasting symbol of the profound gratitude from the City of Madison Heights.



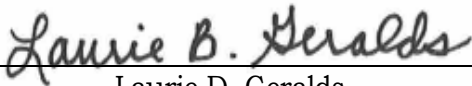
Corey K. Haines
Mayor



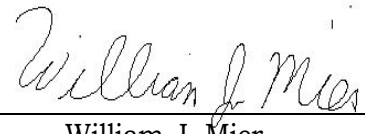
Toya Aaron
Councilwoman



Sean D. Fleming
Councilman



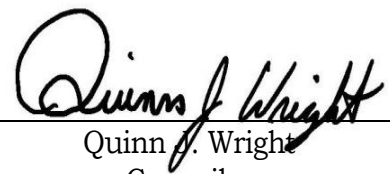
Laurie D. Gerald
Councilor



William J. Mier
Mayor Pro Tem



Emily J. Rohrbach
Councilor



Quinn J. Wright
Councilor



AGENDA ITEM SUMMARY FORM

MEETING DATE: 09/14/26

PREPARED BY: Human Resources

AGENDA ITEM CONTENT: Military Leave Resolution

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT:

FUNDS REQUESTED: \$

FUND: Various

EXECUTIVE SUMMARY:

The City historically supports employees who serve in the military. For long-term active military leave, each individual leave has been brought to City Council for approval by resolution, including authorization for the City to provide a pay differential between the employee's City compensation and verified military compensation. Michigan Public Acts 57 and 58 of 2026 changed the framework for military leave; confirming that a local unit of government may provide, by ordinance, resolution, or personnel policy, either a differential pay program or a specific number of paid military leave days. PA 58 establishes a 26-day paid military leave requirement for qualifying full-time law enforcement officers and firefighters who are members of the reserve components. Staff recommends extending a comparable benefit to other eligible full-time employees and confirming our pay-differential for long-term military leave.

RECOMMENDATION:

Staff recommends that City Council adopt the attached resolution establishing a consistent 26-day paid military leave benefit for eligible full-time City employees for short-term military leave (less than 90-days) and formalizing the City's existing practice for long-term (more than 90-days) active military leave.

To: Honorable Mayor and City Council

From: Melissa R. Marsh, City Manager

Date: September 3, 2026

Subject: Military Leave Policy Modernization

Recommendation

I recommend that City Council adopt the attached resolution establishing a consistent 26-day paid military leave benefit for eligible full-time City employees and formalizing the City's existing practice for long-term active military leave.

Background

The City has historically supported employees who serve in the military. For long-term active military leave, each individual leave has been brought to City Council for approval by resolution, including authorization for the City to provide a pay differential between the employee's City compensation and verified military compensation. This Council approval process has been the City's established practice.

Michigan Public Acts 57 and 58 of 2026 changed the framework for military leave. PA 57 confirms that a local unit of government may provide, by ordinance, resolution, or personnel policy, either a differential pay program or a specific number of paid military leave days. PA 58 establishes a 26-day paid military leave requirement for qualifying full-time law enforcement officers and firefighters who are members of the reserve components. Staff recommends extending a comparable benefit to other eligible full-time employees.

What is changing

The key policy change is the creation of twenty-six (26) paid military leave days per calendar year for eligible full-time City employees. These days are intended to cover verified military leave, including shorter periods of active military duty and routine reserve obligations. Currently, this type of leave requires an employee to use their personal leave banks. The 26 paid military leave days will be separated from the employees' regular leave banks and must be used exclusively for verified military leave. Unused military leave may not be accumulated, carried over to a subsequent calendar year, or paid out.

For active-duty military service lasting 90 days or more, the City's existing practice will continue: the employee may receive a pay differential between the employee's City base wage and verified military compensation. Currently, this would require separate resolutions by City Council; staff is requesting that City Council adopt this resolution, making this the standard practice.

Fiscal and policy considerations

The 26-day benefit is required for Police and Fire employees; however, the city would like to extend it to all full-time employees. This extension is above and beyond the state requirement and therefore optional.

The City will continue to administer military leave in accordance with applicable federal and state law, including USERRA, and applicable collective bargaining agreements. The City's policy should not be construed to diminish any greater right provided by law or an applicable collective bargaining agreement.

Conclusion

The proposed policy recognizes and supports employees who serve in the military while creating a clear, consistent framework for administering military leave. The principal change is the establishment of 26 paid military leave days per calendar year per State law, extending this benefit to all full-time employees and solidifying our process and pay-differential practice for long-term active military service.

CITY OF MADISON HEIGHTS
CITY COUNCIL RESOLUTION - MILITARY LEAVE

WHEREAS, the City of Madison Heights recognizes the importance of supporting employees who serve in the United States Armed Forces, including members of the National Guard and reserve components;

WHEREAS, the City has historically supported employees called to active military service and, for long-term military leave, has considered each individual leave through a City Council resolution authorizing the applicable City pay differential;

WHEREAS, Michigan Public Act 57 of 2026 provides that a local unit of government may establish by ordinance, resolution, or personnel policy a differential pay program or a specific number of paid military leave days for employees entering active service in a uniformed service;

WHEREAS, Michigan Public Act 58 of 2026 establishes a 26-day paid military leave benefit for qualifying full-time members of law enforcement agencies and organized fire departments who are members of the reserve components of the United States Armed Forces;

WHEREAS, the City Council desires to establish a consistent 26-day paid military leave benefit for eligible full-time City employees while preserving the City's established process for long-term active military leave; active-duty military service of 90 days or more should continue to be handled through the City's established pay-differential practice;

NOW, THEREFORE, BE IT RESOLVED for verified active-duty military service lasting fewer than ninety (90) days, that the City Council of the City of Madison Heights hereby establishes twenty-six (26) paid military leave days per calendar year for eligible full-time City employees who are called to or required to perform verified military service; and,

BE IT FURTHER RESOLVED, the twenty-six (26) paid military leave days shall be used exclusively for verified military leave and shall be administered in accordance with the City's Paid Military Leave Policy. Military leave shall be supported by military orders or other documentation acceptable to the City.

BE IT FURTHER RESOLVED, for verified active-duty military service lasting ninety (90) days or more, the City shall continue its established practice of providing, a pay differential between the employee's City base wage and verified military compensation, subject to applicable law and the City's Paid Military Leave Policy;

BE IT FURTHER RESOLVED, all military leave shall be administered consistent with applicable federal and state law, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), applicable collective bargaining agreements, and City benefit-plan documents.

BE IT FURTHER RESOLVED, the City Manager and appropriate City staff are authorized and directed to implement the Paid Military Leave Policy and make administrative changes necessary to carry out this Resolution.

BE IT FURTHER RESOLVED, this Resolution shall apply prospectively to military leave occurring on or after its effective date, subject to applicable law, city administrative policy and collective bargaining agreements.

POLICY & PROCEDURE 	Paid Military Leave	2.39 07/23/2026
Approved: <i>MM</i>	Page 1 of 3	

PURPOSE

The purpose of this policy is to establish paid military leave benefits for eligible City employees in accordance with Michigan Public Acts 57 and 58 of 2026.

RESPONSIBILITIES

Human Resources:

- Review the policy on a regular basis to ensure compliance with changes in applicable laws and regulations.
- Issue the policy and ensure that employees have reviewed and signed/acknowledge they read and understand it.
- Maintain documentation necessary to administer paid military leave and differential pay.
- Review military leave requests, determine the applicable leave benefit, and notify Finance/Payroll of approved military leave.
- Coordinate the implementation of this policy with Finance/Payroll.

Payroll:

- Maintain records and track the use and disbursement of paid military leave.
- Calculate and process differential pay in accordance with this policy.

Employees:

- Provide advance notice whenever possible.
- Submit military orders to Department Head.
- Provide documentation of military wages when required for calculation of differential pay.

Supervisor/Department Head:

- Forward documentation to Human Resources.
- Coordinate staffing during absences.
- Ensure employee's time sheets accurately reflect the use of paid military leave.
- Administer requests consistently with this policy.

POLICY:

The City shall provide military leave benefits to eligible employees as provided in this policy. The policy is intended to comply with the requirements of Michigan Public Act 58 of 2026 and to extend paid military leave benefits to other eligible full-time City employees as permitted under Michigan Public Act 57 of 2026. Nothing in this policy is intended to limit any rights or protections available to employees under applicable federal or state law.

ELIGIBLE EMPLOYEES

This policy applies to all full-time City employees who are enlisted in a reserve component of the United States Armed Forces. Part-time, seasonal, temporary, volunteer, and paid on-call employees are not eligible for the paid military leave benefits provided under this policy.

QUALIFYING MILITARY LEAVE

Paid military leave may be used for the performance of military duty, including compliance with an order to report or deploy, and for military training related to service in a reserve component of the United States Armed Forces.

MILITARY LEAVE COMPENSATION

Military Leave of Ninety (90) Days or Less:

For military leave of ninety (90) days or less, the City shall provide each eligible employee with twenty-six (26) days of paid military leave each year. For the purposes of this policy, a year means a calendar year or a portion of a calendar year. One (1) day of paid military leave is equivalent to the employee's normally scheduled work shift for their department.

Unused paid military leave does not carry over from one calendar year to the next. Employees will not receive financial or other reimbursement for unused paid military leave. Any unused paid military leave will lapse at the end of the calendar year.

Military Leave Exceeding Ninety (90) Days:

For military leave exceeding ninety (90) days, the City will provide differential pay for the duration of the military leave. Differential pay will apply beginning with the first day of military leave. Differential pay will be calculated as the difference between the employee's regular City wages and the wages received through the employee's uniformed service when the employee's regular City wages exceed the wages received through the uniformed service.

Differential pay will be paid in accordance with the City's regular biweekly payroll schedule. Employees must provide documentation of military wages sufficient for the City to calculate the applicable differential.

An eligible employee may, but is not required to, use any annual leave for an absence due to military service.

REQUESTING MILITARY LEAVE

Employees requesting military leave must provide the City with a copy of the military orders requiring the employee to be absent from work.

If military leave will be for ten (10) or more consecutive days, but fewer than twenty (20) consecutive days, the employee must submit the request at least fourteen (14) days before the leave begins.

If military leave will be for twenty (20) or more consecutive days, the employee must submit the request as many days before the leave begins as is reasonably possible.

PREINDUCTION PHYSICAL EXAMINATION

A full-time City employee who receives orders for a preinduction physical examination to enlist in a reserve component of the United States Armed Forces will be provided paid military leave to attend the examination. The employee must provide the City with a copy of the order to attend the examination.

BENEFITS

Employees covered by a collective bargaining agreement will receive all contractually required fringe benefits and accruals as required by applicable law and the applicable collective bargaining agreement.

NON-RETALIATION

The City of Madison Heights prohibits retaliation or discrimination against employees for requesting or using military leave or exercising rights protected by law.

ACKNOWLEDGEMENT OF UNDERSTANDING:

By signing below, I certify that I have received, read and understand the City's Paid Military Leave Policy on the date indicated below. I further understand that a signed copy will be placed in my personnel file.

Employee Signature

Printed Name

Date

City Council Regular Meeting
Madison Heights, Michigan
August 24, 2026

A City Council Regular Meeting was held on Monday, August 24, 2026 at 6:30 PM at City Hall
- Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Corey Haines
Mayor Pro Tem William Mier
Councilwoman Toya Aaron
Councilman Sean Fleming
Councilor Laurie Gerald
Councilor Emily Rohrbach
Councilor Quinn Wright

ALSO PRESENT

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

The invocation was given by Councilman Fleming and the Pledge of Allegiance followed.

CM-26-183. Approval of the Agenda.

Motion to approve the agenda.

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

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilman Fleming, Councilor
Gerald, Councilor Rohrbach, Councilor Wright

Motion carried.

MEETING OPEN TO THE PUBLIC:

Paul Sanders, resident, shared historical information regarding the Lincoln area, noting it was once part of the Illich farm, which grew small plants and flowers. He then voiced concerns regarding 11 Mile Road between John R Road and the high school, stating that patrons at local restaurants, including the John R Grill, are very upset about recent road changes.

Chris (last name not given), resident, while thanking the Council for their actions regarding JARS, he expressed concerns over the city's use of Flock safety cameras, characterizing the framing of "public safety" as a marketing plan that masks mass surveillance and the erosion of liberties. He emphasized that local government, being closest to the people, has a unique duty to protect civil liberties and the U.S. Constitution. He formally requested two actions: first, that the city publish all records, contracts, costs, and explicit metrics demonstrating if the cameras have solved crimes that traditional policing could not; and second, that Flock camera usage and similar surveillance systems be put to a public referendum so Madison Heights residents can vote on whether they want them.

City Clerk Rottmann noted that Kevin Trabucci had sent in two emails with complaints pertaining to the parking lot and drainage at the Limages Animal Hospital. Clerk Rottmann noted that both emails were forwarded to City Council.

CM-26-184. Consent Agenda.

Motion to approve the Consent Agenda as amended.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-185. Director of Public Services - Purchase of Leased Vehicle #457.

Motion to approve the purchase of leased vehicle #457, a 2021 Chevrolet Silverado from Enterprise Fleet Management at its predetermined residual value of \$5,899.23 and authorize the City Manager to execute all required documents to facilitate the purchase.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-186. Fire Chief - Purchase of Self-Contained Breathing Apparatus (SCBA) Decontamination Washing System.

Motion to waive the formal procurement process and approve the purchase of the Roto-Decon Self-Contained Breathing Apparatus (SCBA) decontamination washing system from McQueen for a total amount of \$26,900.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-187. City Clerk - Board and Commission Appointments – Council Appointments.

Motion to approve the Council appointments to City boards and commissions as amended with the term ending dates, as specified:

BOARD	TERM TYPE	FIRST NAME	LAST NAME	TERM EXPIRATION
Active Adult Advisory Board	Regular	Delores	Mowry	8/31/29
Arts Board	Regular	Mark	Bliss	8/31/29
Crime Commission	Regular	Beth	Scott	8/31/29
	Regular	Andrew	Franklin	8/31/29
Elected Official Compensation Commission	Regular	Marie	Bessler	8/31/33
Historical Commission	Regular	Vasiliki	Harris	8/28/29
Human Relations & Equity Commission	Regular	Teresa	Scott	8/31/28
	Regular	Ashley	Strunk	8/31/28
	Regular	Susana	King	8/31/28
	Regular	Erin	Baker-Giese	8/31/27
	Alternate	Rebecca	Chambliss	8/31/28
	Alternate	Joshua	Frankovich	8/31/28
Library Advisor Board	Regular	Jennifer	Eritano	8/31/28
	Regular	Regina	Juska-Svoba	8/31/28
Parks & Recreation Advisory Board	Regular	Joshua	Frankovich	2/28/28
	Regular	Nikolas	Chandler	2/28/28
Tax Board of Review	Regular	Alexander	Lusk	2/28/27
General Retiree Health Care Trust/Police & Fire Retirement Boards	Regular	Anthony	Roberts	8/31/30
Zoning Board of Appeals	Alternate	Julieann	Youkanna	2/28/28

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Gerald, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-188. City Clerk - Board and Commission Appointments - Mayor Appointments.

Motion to concur with the Mayor's recommendations and approve the appointment to Planning Commission with the term ending date as specified.

BOARD	TERM TYPE	FIRST NAME	LAST NAME	TERM EXPIRATION
Planning Commission	Regular	Eric	Graettinger	8/31/29

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-189. City Council Regular Meeting Minutes of August 10, 2026.

Motion to approve the City Council Regular Meeting Minutes of August 10, 2026, as printed.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Mier.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-190. City Manager - Confirmation of Human Resources Director/Deputy City Manager.

Motion to confirm the appointment of Cheryl Rottmann as Human Resources Director and continued Deputy City Manager.

Motion made by Councilman Fleming, Seconded by Councilor Wright.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-191. City Manager - Confirmation of City Clerk Appointment.

Motion to confirm the appointment of Mary Daley as City Clerk.

Motion made by Mayor Pro Tem Mier, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Geraldts, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-192. City Manager - Michigan Municipal League Convention Delegate and Alternate.

Motion to approve Mayor Haines as Delegate and Mayor Pro Tem Mier as Alternate at the 2026 Annual MML Convention

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Gerald, Councilor Rohrbach, Councilor Wright

Motion carried.

CM-26-193. City Planner - Temporary Data Center Moratorium Resolution.

Motion to adopt the temporary data center moratorium resolution to provide staff with adequate time to evaluate appropriate zoning, building and developmental regulations before any applications are submitted, as follows:

**MADISON HEIGHTS CITY COUNCIL RESOLUTION
FOR TEMPORARY DATA CENTER DEVELOPMENT MORATORIUM**

WHEREAS, the City is a Michigan municipal corporation, duly and legally organized under and existing by virtue of the laws of the State of Michigan, pursuant to the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1 et seq., with its principal offices located at 300 Thirteen Mile Road, Madison Heights, Michigan 48071; and,

WHEREAS, the State of Michigan and other states have recently experienced an increased interest in the development of Data Centers; and,

WHEREAS, Data Centers present unique possible concerns of high electricity use, water consumption, noise, temporary (but limited) local employment opportunities, land use issues and environmental impacts (among other issues) while at the same time providing important digital infrastructure and economic benefits, such as increased and improved power cloud computing, artificial intelligence, online banking, streaming services, healthcare, local better broadband services, and property tax revenues (among other benefits); and,

WHEREAS, the City's current Zoning Ordinance, Building Ordinance, and regulations and development standards related thereto (collectively referred to as "Zoning and Building Ordinances") do not specifically define, classify, or comprehensively regulate Data Centers or establish standards governing their location, design, scale, operational characteristics, infrastructure requirements, or compatibility with surrounding land uses; and,

WHEREAS, the Madison Heights City Council finds that it is in the public interest to undertake a comprehensive review of the City's Zoning and Building Ordinances as they relate to Data centers to ensure that any future development of such facilities occur in appropriate locations and under standards that protect the public health, safety, and welfare, while supporting responsible economic development; and,

WHEREAS, during the moratorium period necessary to conduct this review, acceptance or approval of applications for Data Centers could result in development

that is inconsistent with future regulations and planning objectives, thereby frustrating the City's ability to implement a comprehensive regulatory framework; and,

WHEREAS, the Madison Heights City Council finds that a temporary moratorium is necessary and reasonable to preserve the status quo while the City evaluates and adopts appropriate Zoning and Building Ordinances governing Data Centers; and,

WHEREAS, it is the express intent of this Resolution that the moratorium will be temporary in nature and not intended to prohibit Data Centers permanently; but rather is solely intended to provide the City with adequate time to study, evaluate, and establish appropriate Zoning and Building Ordinances identifying where and under what standards a Data Center or Centers may be appropriate within the boundaries of the City; and,

WHEREAS, for purposes of this Resolution, a Data Center shall mean the following:

"Data Center means a building or portion of a building primarily used to house computer system servers, network equipment, data storage equipment, cloud computing infrastructure, or similar information technology infrastructure, together with associated mechanical equipment, cooling systems, backup power generation, electrical substations, battery energy storage systems, and related support facilities designed principally for the processing, storage, transmission, or management of digital data."

WHEREAS, for purposes of this Resolution, a Data Center shall **NOT** mean the following:

1. Server rooms or equipment accessory to a principal use on the same property;
2. Telecommunications facilities regulated separately under City ordinances;
3. Government-owned emergency communications facilities, including but not limited to Police, Fire, 911 and Emergency facilities and,
4. Small-scale information technology facilities serving only the principal use on the site.

NOW, THEREFORE, BE IT RESOLVED that the Madison Heights City Council finds that a temporary moratorium on Data Centers, as defined above, is reasonable and necessary to preserve the status quo while the City evaluates and adopts appropriate Zoning Ordinances and Building Ordinances governing Data Centers, for a period of twelve (12) months from the date of the approval of this Resolution by City Council (the "Temporary Moratorium Period"), unless extended by a maximum of two (2) subsequent Resolution(s), approved by City Council, each Resolution not to exceed sixty (60) days, with a maximum extension not to exceed one-hundred and twenty (120) days; and,

BE IT FURTHER RESOLVED that during the Temporary Moratorium Period, the City shall not accept, process, review, schedule for public hearing, approve, issue

permits for, or issue zoning approvals or building permits for any application for the establishment, construction, expansion, or development of a Data Center, including any related special land use approvals, rezoning, site plan approval, building permit, grading permit, land division, or other discretionary development approval necessary to authorize such use; and,

BE IT FURTHER RESOLVED that this Temporary Moratorium applies to all new principal Data Center developments, conversion of existing buildings into principal Data Centers, expansion of an existing Data Center (if any) that would materially increase computing capacity, building area, utility demand, or operational intensity; and,

BE IT FURTHER RESOLVED that the Madison Heights City Council shall appoint a Special Commission titled, "The Data Center Commission," whose purpose shall be to undertake a comprehensive review of the City's Zoning Ordinances, Building Ordinances, and regulation and development standards as they relate to Data centers to ensure that any future development of such facilities occur in appropriate locations and under standards that protect the public health, safety, and welfare, while supporting responsible economic development; and,

BE IT FURTHER RESOLVED that the membership of "The Data Center Commission" shall consist of nine regular voting members as follows: Mayor, City Manager, City Attorney, City Planner, Community and Economic Development Director, Planning Commission Chairperson, Informational Technology Advisory Committee Chairperson, and two at-large residents, who shall meet twice monthly and who shall provide recommendations to the City Council regarding the subject matter of this Resolution; and,

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to U.S. Senators Elissa Slotkin and Gary Peters, U.S. Representative Haley Stevens, Michigan Governor, Gretchen Whitmer, Attorney General, Dana Nessel, Secretary of State, Jocelyn Benson, State Senator, Stephanie Chang, State Representative Mike McFall, State Representative, Tom Kuhn, Oakland County Chief Executive, David Coulter, and Oakland County Commissioner Ann Erickson Gault

Motion made by Mayor Pro Tem Mier, Seconded by Councilor Rohrbach.

Voting Yea: Mayor Haines, Mayor Pro Tem Mier, Councilwoman Aaron, Councilman Fleming, Councilor Gerald, Councilor Rohrbach, Councilor Wright

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron welcomed students back for the first day of school, noting the new law prohibiting mobile phones in schools and urging the community to act as a "village" to protect and support students. She also promoted the final summer event, "Trail Tunes," scheduled for Saturday, August 29th, from 2:00 to 6:00 PM at Civic Center Park, which will feature six bands, food trucks, and vendors.

Mayor Pro Tem Mier congratulated Mary Daley and Cheryl Rottmann on their new appointments. He reminded drivers to watch out for children during the school season and shared his excitement about returning to spot varsity football games.

Councilor Wright commended Cheryl Rottmann for her unbiased and ethical work as City Clerk and welcomed Mary Daley to her new role. Addressing public comments, he acknowledged that Flock safety cameras are a growing concern for residents and emphasized that the Council takes the issue seriously and must address it publicly. He also promoted the "Revin the Heights" car show on September 19th, noting it will feature food trucks, a "car limbo" contest, and that the proceeds will support the Madison Heights food pantry. He concluded with his signature reminder to "be kind".

City Attorney Larry Sherman shared a brief history of the city's landmark environmental case against SOCCRA, recalling how Clay Thomas accompanied his father, Hugh Thomas, to the Sixth Circuit Court of Appeals. He shared that Clay and his wife Bessie have offered to step in for his late parents in their local supper club, allowing the long-standing tradition to continue.

City Manager Melissa Marsh thanked the Council for confirming the promotions of Cheryl Rottmann and Mary Daley, noting that keeping and developing internal talent is in the best long-term interest of the city's succession planning.

Deputy City Manager / City Clerk Cheryl Rottmann thanked the City Manager and the City Council for their confidence and support in her professional development. She jokingly added that she is not disappointed to leave behind the 20-hour election workdays and welcomed Mary to the Clerk's position.

Councilor Rohrbach highlighted that the Human Relations and Equity Commission (HREC) is hosting an adaptive game night on September 29th and noted that "Revin the Heights" raises funds to support these HREC programs. She also promoted an upcoming free tree presentation by ReLeaf Michigan to teach residents proper tree care and how to be a "good tree parent".

Councilor Geraldts invited the public to "Dancing Under the Stars" on Wednesday night from 6:30 to 8:00 PM, which is the final event of the Arts Board series. She also praised City Manager Melissa Marsh for her strategic approach to internal succession planning, citing it as further proof of her excellence.

Councilman Fleming congratulated the newly promoted staff, emphasizing the importance of retaining talented employees. He announced the upcoming October opening of the upgraded Red Oaks Park (a \$7.2 million county investment featuring barrier-free playgrounds and trails) and noted future county-funded improvements at McGillivray Park. Finally, he urged night riders on bicycles and e-bikes to use front lights and reflective gear for safety.

Mayor Haines congratulated the staff on their career advancements and shared that he thoroughly enjoyed relaxing at a recent concert in the park. He gave a special shout-out to Lamphere High School senior Cade Walker for his promotion to Lieutenant Colonel in the Civil Air Patrol, highlighting his extensive flight training and his achievement of the prestigious Earhart Award. He closed by encouraging attendance at Saturday's Trail Tunes.

ADJOURNMENT:

Having no further business, Mayor Haines adjourned the meeting at 7:09 p.m.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 9/14/26

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Land Use Request PSP 26-05 – 30159 Brush Street – Major Home Occupation [Pet Boarding]

AGENDA ITEM SECTION: Reports



BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, property owner, and resident, Hali Fortuna, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (pet boarding business) out of her home at 30159 Brush Street, zoned R-3, One-Family Residential; tax parcel #44-25-11-279-042. The property, consisting of a single-family house and an attached garage, is located on the west side of Brush Street, north of Girard Avenue.

RECOMMENDATION:

Planning Commission Recommendation: Denial

Refer to staff report, including "Planning Commission Action and Findings" on page 1 and "Template Motion, Findings and Conditions" section on page 7.



MEMORANDUM

Date: September 8th, 2026

To: City of Madison Heights City Council (September 14th, 2026 Regular Meeting)

From: Matt Lonnerstater, AICP – City Planner

Subject: Special Land Use Request PSP 26-05 – 30159 Brush Street – Major Home Occupation [Pet Boarding]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 7

Introduction

The applicant, property owner, and resident, Hali Fortuna, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (pet boarding business) out of her home at 30159 Brush Street, zoned R-3, One-Family Residential; tax parcel #44-25-11-279-042. The property, consisting of a single-family house and an attached garage, is located on the west side of Brush Street, north of Girard Avenue.

Note: The applicant has provided a “Supplemental Information Packet” for City Council consideration. This packet was submitted after the Planning Commission meeting.

Planning Commission Action and Findings.

Per the Zoning Ordinance adopted in 2024, Special Land Use requests begin at the Planning Commission for a public hearing, with a recommendation made to City Council for final action. A public hearing was held at the August 25th, 2026 special Planning Commission meeting. Several letters of opposition were read into the record, and several members of the public spoke in opposition. Following the public hearing, the Planning Commission approved the following motion pertaining to the proposed Special Land Use request:

MOTION MADE BY COMMISSIONER MARSH, SECONDED BY COMMISSIONER OLSON THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY **RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-05** FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:

- a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, the neighborhood, or the general welfare of the neighbors and noise in the general area.
 - c. The use is incompatible with the surrounding neighborhood.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Marsh, Commissioner Oglesby, Commissioner Olson

Voting Nay: Chair Champagne, Commissioner Fox

Motion carries 5-2.

Project Details

The applicant has provided a project narrative and information packet for the proposed dog/pet boarding business, summarized below:

- Pet boarding service for dogs, cats, and small animals.
- One employee (applicant), with services provided on a one-on-one, appointment-only basis.
- Boarding activities to take place inside the house and within a fenced backyard.
- The pets of only one client will be accepted at a time.
- Clients will be instructed to park in the driveway for drop-off and pick-up.

The business, Elu & Friends Pet Care LLC, currently operates as a licensed and insured pet care business offering in-home visits, dog walking, and pet transportation. The applicant is seeking to expand the business by offering a limited in-home pet boarding service at the applicant's home. The proposed boarding operation is not a stand-alone business, but rather a supplemental offering for the existing business.

30159 Brush Street



Home Occupation Details

Home occupations are defined in the Zoning Ordinance (Section 2.01) as, *“a business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of the Zoning Ordinance.”*

Home occupations are further divided into “minor” and “major” classifications. A Major Home Occupation is defined as, *“a home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home.”*

As the proposed pet boarding business involves routine client visits to the applicant’s home and involves pets using the backyard, staff has classified the proposed use as a Major Home Occupation. Major Home Occupations require Special Land Use approval and are subject to use-specific standards.

Use-Specific Standards for Major Home Occupations.

Home occupations are subject to the use-specific zoning standards set forth in **Section 7.03.18** of the Zoning Ordinance, listed below:

- (1) The operation of the Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.*
- (2) The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection of equipment or materials necessary for their work at another site, or documents relating to their employment.*
- (3) One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted toward required parking spaces.*
- (4) The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matters at any time. No mechanical, electrical, or similar machinery equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.*
- (5) The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.*
- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.*
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.*
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.*
- (9) No signage shall be permitted, except where specifically required by law.*
- (10) No display of any kind shall be visible from the exterior of the premises.*

(11) Major Home Occupations shall not include the sales and/or service of weapons, guns, ammunition, fireworks, or any components thereof, nor a regulated use as regulated in Section 5.03.

(12) In addition to Special Land Use approval in accordance with Section 15.05, a Certificate of Occupancy shall be required for Major Home Occupations in accordance with Section 15.03.

The proposed pet boarding business appears to satisfy these use-specific standards. However, should City Council move to approve the Special Land Use, staff advises that all of the use-specific standards of Section 7.03.18 be incorporated and referenced as a condition of approval, except as further restricted by City Council.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Single-Family Residential	R-3, One-Family Residential
North	Single-Family Residential	R-3, One-Family Residential
South	Single-Family Residential	R-3, One-Family Residential
East	Single-Family Residential	R-3, One-Family Residential
West	Single-Family Residential	R-3, One-Family Residential

The residential property is 0.12 acres (5,400 sq. ft.) in size and is located mid-block within a single-family residential neighborhood. The property is improved with a single-family house and an attached garage which is accessed via a driveway. Per the Madison Heights Zoning Ordinance, the R-3 zoning district is “designed to provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

The future land use designation of the subject site is *Single-Family Residential*.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Housing

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*
- *Support neighborhoods by improving walkability and access goods and services.*

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

City Council shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The Special Land Use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization, and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;

- (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Staff Analysis

In deliberating the proposed pet boarding business, staff recommends that City Council focus on the impacts to the residential neighborhood and the applicant's ability to meet the use-specific standards for Major Home Occupations (Section 7.03.18), as well as the Planning Commission's formal recommendation for denial. Potential nuisances that could impact neighbors include excess sound from the dogs and additional traffic in the early and late hours of the day. The applicant has responded to these concerns within their Supplemental Information Packet. In order to remedy or mitigate these potential nuisances, staff recommends the following conditions should City Council present a motion for approval of the Special Land Use:

- 1) The pet boarding business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval, except as modified as part of this motion.
- 2) The pets of only one client shall be boarded at a time; at no point shall more than two (2) pets be boarded at any given time.
- 3) Client pick-up and drop-off of dogs shall be limited to one at a time and shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- 4) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

Next Step

After discussion, City Council may take action on the requested Special Land Use. Any motion shall include concise findings based upon the Special Land Use review standards and criteria, Section 15.03.3. Per Section 15.05, City Council alternatively may postpone action on a Special Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues, or remand the case back to the Planning Commission for reconsideration.

Template motions are provided on the following page.

Attachments

- **Special Land Use Application - PSP #26-05**
- **Supplemental Information Packet – PSP# 26-05**
- **Draft Planning Commission Minutes – August 25th, 2026**
- **Associated Maps**
- **Section 3.07 – R1 One-Family Residential District**
- **Section 7.03.18 – Use-Specific Standards for Major Home Occupations**
- **Section 15.05 – Special Land Use Review**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for City Council's consideration. City Council may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT CITY COUNCIL **APPROVE** SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A PET BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a pet boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed pet boarding Major Home Occupation use is consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. The use is designed and located so that it is compatible with the principal uses permitted in the R-3, One-Family Residential district
 - d. The use is designed and located so that it is compatible with the Madison Heights Master Plan and the Single-Family Residential future land use classification.
4. The use satisfies the use-specific standards for Major Home Occupations as contained in Section 7.03.18 – Use-Specific Standards for Major Home Occupations - as contained in Section 7.03.3 of the Madison Heights Zoning Ordinance.

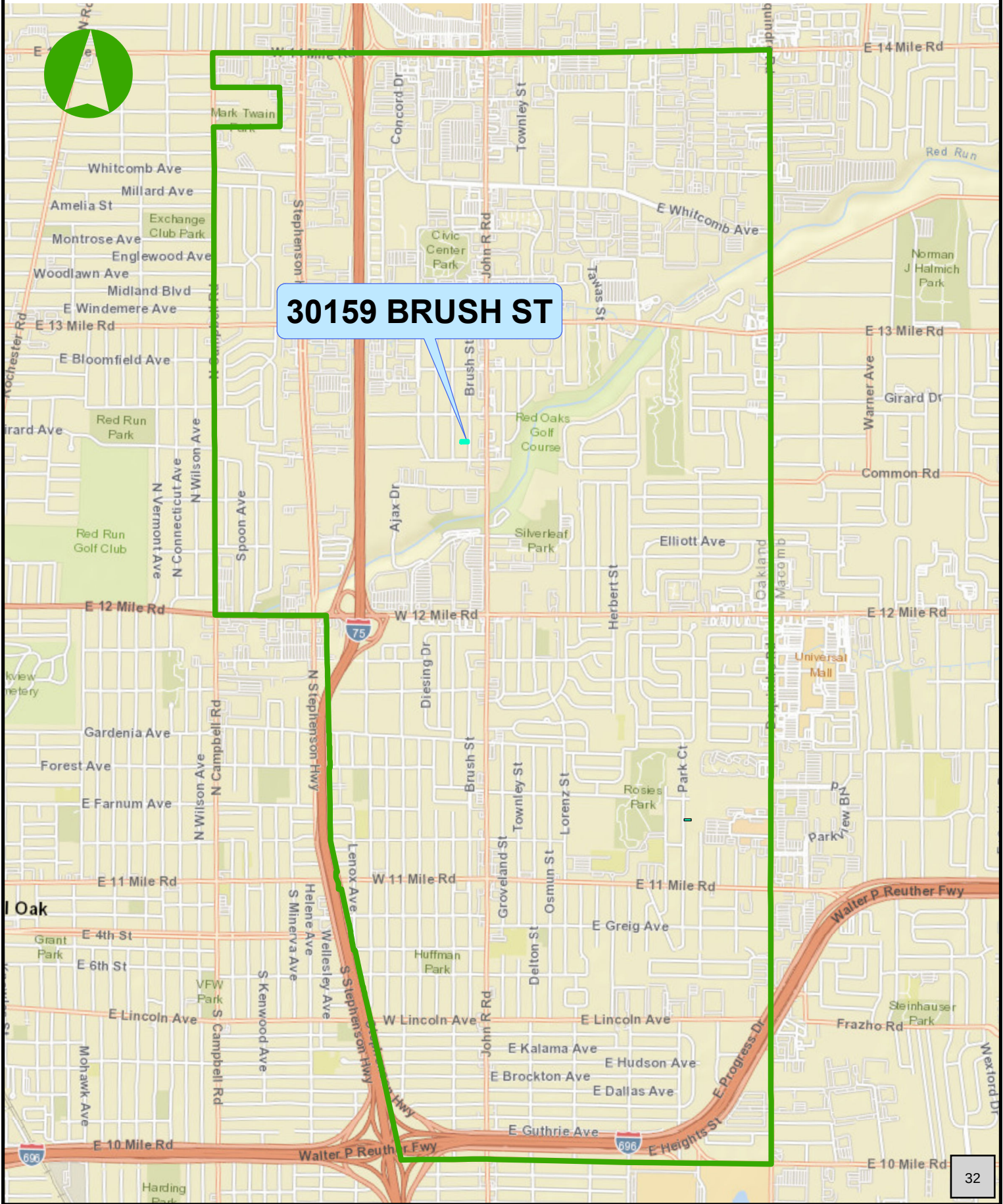
APPROVAL IS GRANTED WITH THE **FOLLOWING CONDITIONS**

- 1) The pet boarding business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval, except as modified as part of this motion.
- 2) The pets of only one client shall be boarded at a time; at no point shall more than two (2) pets be boarded at any given time.
- 3) Client pick-up and drop-off of dogs shall be limited to one at a time and shall occur between the hours of 8:00 a.m. and 8:00 p.m.
- 4) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

DENIAL

MOTION BY _____, SECONDED BY _____, THAT, BASED UPON THE PLANNING COMMISSION'S RECOMMENDATION, CITY COUNCIL HEREBY DENIES SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A PET BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a pet boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting, where the Planning Commission recommended denial.
3. The proposed pet boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - c. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners: [LIST ANY THAT APPLY]
 - i. Location of use(s) on site;
 - ii. Height of all improvements and structures;
 - iii. Adjacent conforming land uses;
 - iv. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - v. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
5. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance. In particular, *the Major Home Occupation shall not create negative impacts on surrounding residential property.*



Site Address: 30159 Brush St

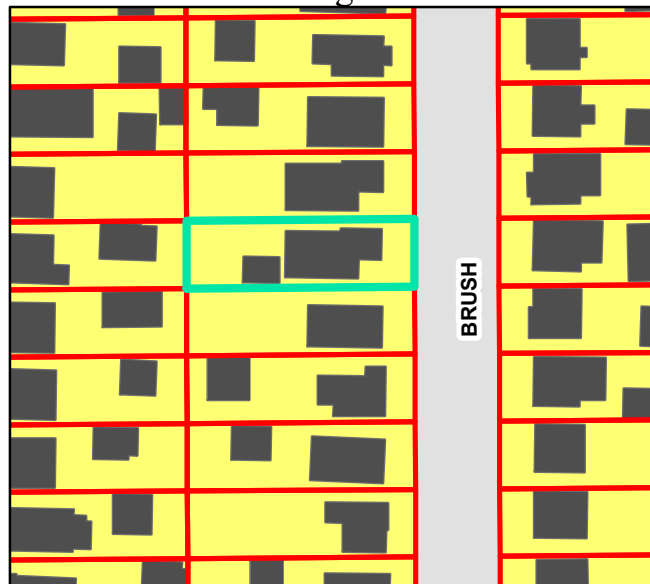
Click for maps

Aerial



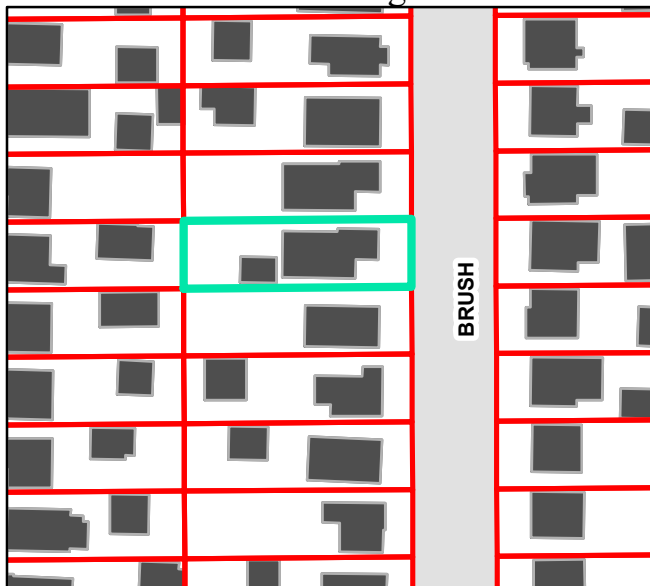
- 30159 Brush St
- Parcels

Existing Land Use



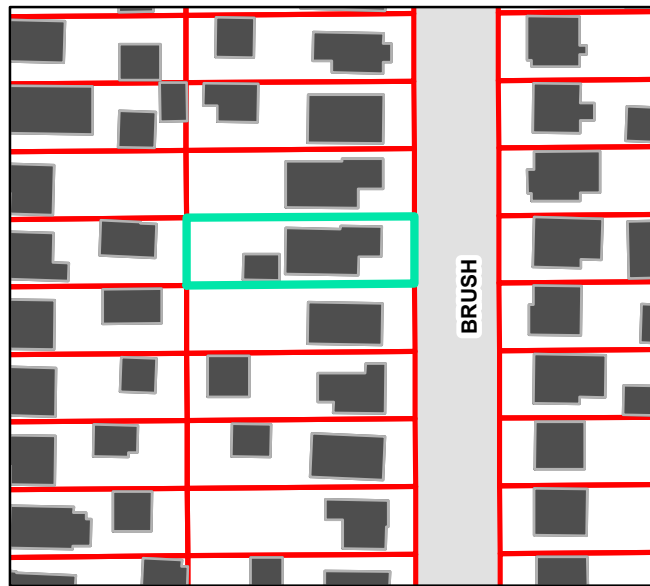
- Parcels
- 30159 Brush St
- Single And Two Family
- Buildings

Zoning



- 30159 Brush St
- Parcels
- Buildings
- R-3

Future Land Use

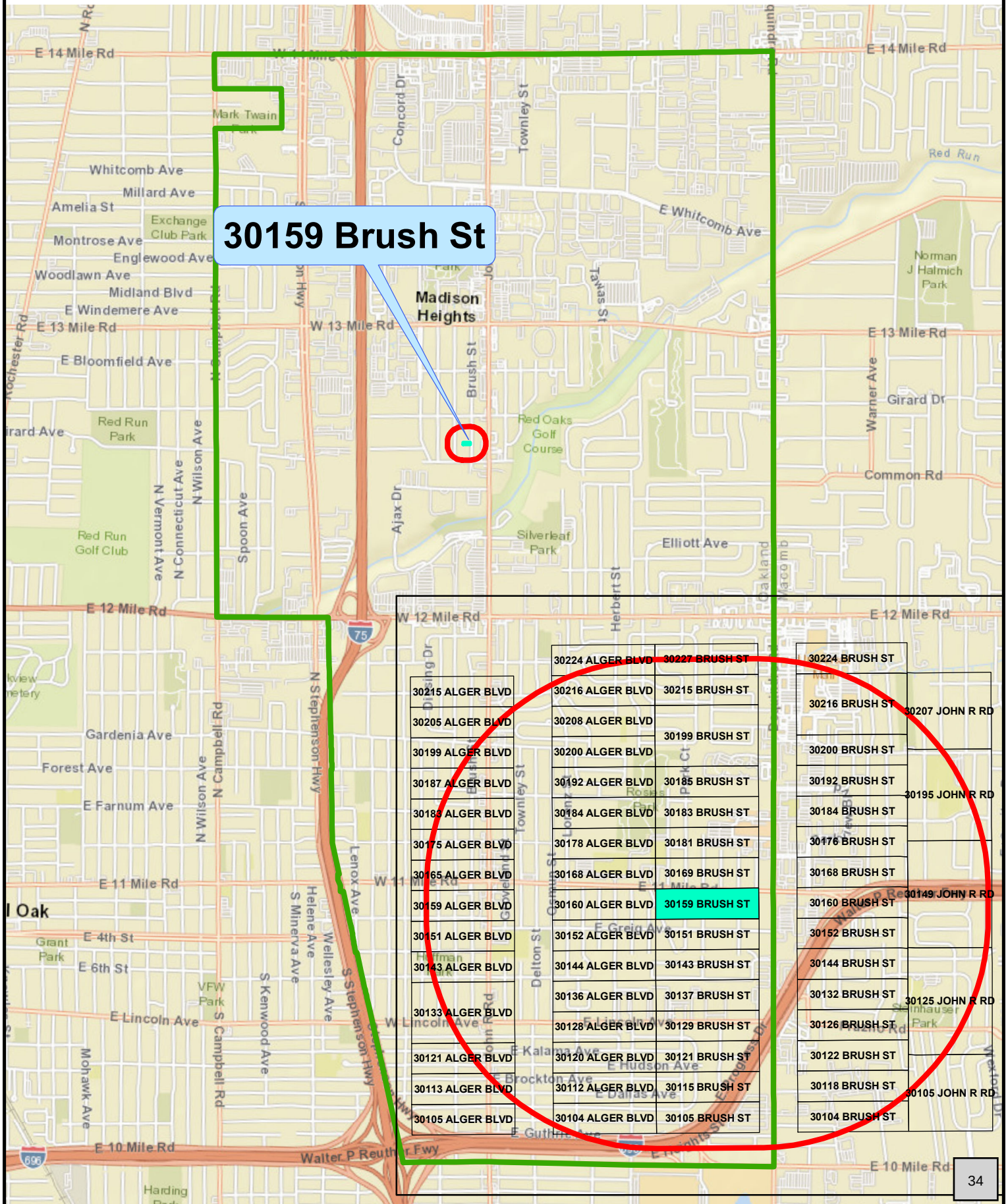


- 30159 Brush St
- Parcels
- Single Family
- Buildings



PSP 26-05 : 30159 Brush St Buffer 300 Ft

Item 7.





CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
SPECIAL LAND USE APPLICATION

I. APPLICANT INFORMATION

Applicant Hali Fortuna
Applicant Address 30159 Brush St.
City Madison Heights State MI ZIP 48071
Interest in Property (owner, tenant, option, etc.) owner
Contact Person Hali Fortuna
Telephone Number [REDACTED] Email Address [REDACTED]

II. PROPERTY INFORMATION

Property Address 30159 Brush St. Madison Heights, MI 48071
Tax ID ~~44-25-11-279~~ 44-25-11-279-042 Zoning District R-3
Owner Name (if different than applicant) _____
Address 30159 Brush St.
City Madison Heights State MI Zip 48071
Telephone Number [REDACTED] Email Address [REDACTED]

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name _____ Company _____
Address _____
City _____ State _____ Zip _____
Telephone Number _____ Email Address _____

IV. PROJECT NAME

Elu & Friends Pet Care (In Home Boarding)

V. PROJECT DESCRIPTION AND SCOPE OF WORK

Brief Description of Proposed Special Land Use:

A low impact home pet boarding service with one client at a time. With years of pet care and behavior experience, this ensures a quiet environment, including a fenced yard.

Required Attachments:

- ☐ **Project Narrative:** Written description of the nature of the proposed use(s), including: products or services to be provided; activities to be conducted inside and outside the building; types of equipment to be used; hours of operation; number of employees; expected levels/ types of vehicular traffic coming to and from the site; other information.
- ☐ **Conceptual Site Plan and Floor Plan:** Conceptual plans containing minimum information listed in **Section 15.05** of Zoning Ordinance (refer to checklist, attached)
- ☐ **Review Standards Response Form** (attached)

VI. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Special Land Use application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s).

Printed Name Hali Fortuna Signature Hali Fortuna Date 7/14/2026

VII. PROPERTY OWNER CERTIFICATION

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name _____ Signature _____ Date _____

Notary for Property Owner:

Notary Stamp

Subscribed and sworn before me, this ___ day of _____, 20__.

A Notary Public for _____ County

Acting in _____ County

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY

[DO NOT ACCEPT INCOMPLETE APPLICATIONS]

FILING FEE (\$750): 750 SPECIAL LAND USE NO.: PSP # 26-05
 DATE APPLICATION RECEIVED: 7/14/26 RECEIVED BY: MOL

SPECIAL LAND USE: REVIEW STANDARDS RESPONSE FORM

Section 15.05(3) of the Zoning Ordinance contains Special Land Use review standards and criteria. Please provide responses to the following review standards for consideration by staff, the Planning Commission, and City Council. (Provide additional separate sheets, if necessary).

- A. Describe how the proposed use will be designed, located, and operated in a way that protects the public health, safety and welfare.

I'll be operating indoors with outdoor pet exercise in a fenced yard. It uses my existing home without any structure changes. Hosting only one client at a time by appointment avoids traffic and parking issues while ensuring a clean, quiet and disruptive free space.

- B. Describe how the use will be designed in a way that considers the natural environment and helps conserve natural resources and energy.

I'm utilizing my home, an existing home so it does not require any construction or changes, so it preserves the natural environment. I will ensure resources and energy remain consistent and a standard household use.

- C. Will the Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. If so, describe in detail.

No, it will not be detrimental. Because of one client at a time, it will not generate issues as my business doesn't produce traffic, noise, smoke, fumes, glares or odors.

- D. Describe how the proposed land use will be designed and located so that it is compatible with surrounding properties, neighborhood, and vicinity. At a minimum, this shall include: 1) Location of use(s) on site; 2) Height of all improvements and structures; 3) Adjacent conforming land uses; 4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission; and 5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.

It's located in an existing home and fenced yard, and produces no commercial noise. There are no new structures or changes to my home.

E. Describe how ingress/egress to the use will be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
4. Adequacy of sight distances;
5. Location and access of off-street parking; and
6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

Will utilize existing residential driveway, there will not be any new curbs or modifications. I have 3 spaces so it eliminates street parking.

F. Describe how the proposed use will be consistent with the intent and purpose of the zoning district in which it is proposed

Elu & Friends Pet Care L.L.C.**Hali Fortuna – 30159 Brush St. Madison Heights, MI 48071****Website:** <https://www.eluandfriendspetcare.com/>**Application Type: Special Land Use (Major Home Occupation)****City Council Meeting — September 14, 2026**

Elu & Friends Pet Care L.L.C. (hereinafter “Elu & Friends” or “the Business”) is a fully insured, professionally operated local pet care business dedicated to providing compassionate, high-quality, and fear-free care tailored to individual pet needs. Inspired by a deep commitment to animal welfare and professional standards, the Business serves local pet owners by offering a range of personalized services designed to keep pets healthy, safe, and comfortable. The primary off site services include:

- Dog Walking and Afternoon Adventures: Routine neighborhood walks and custom outdoor outings.
- Drop-In Visits: In the client’s home for feeding, medication administration, enrichment, and care for dogs, cats, and small animals.
- Pet Transportation: Safe, regulated transport for vet appointments, grooming, and travel (backed by USDA Registered Class T Carrier Certification).
- Event & Wedding Chaperone: On site pet assistance and care for special events.

Elu & Friends is requesting Special Land Use Major Home Occupation approval for a single client household model boarding service.

This packet provides City Council members with an overview of Elu & Friends, including its home occupation service model, professional qualifications, safety protocols, and neighborhood mitigation measures. The boarding service under review is one limited, supplemental offering within the Business—not a full-time or standalone operation. The request is to provide this service through an established local business, rather than through an informal arrangement, and to do so transparently under city approval and applicable requirements.

1. Business Scale, Community Benefit & Safety Practices

To distinguish this request from a traditional commercial facility, here is a look at the operations. While commercial kennels and the Business both involve caring for dogs, this proposal is fundamentally different in scale, customer traffic, animal interaction, and physical footprint.

Commercial Kennel vs. Home Occupation: The request is for a quiet, low-frequency Major Home Occupation service conducted within my residence, focused on low-volume, individual care. To clarify how this differs from a commercial kennel: commercial boarding facilities are designed to host large numbers of animals continuously, featuring high turnover, outdoor pack playgroups, commercial staffing, and facility-scale infrastructure.

Community Benefit: This request is not for the creation of a high-volume commercial animal facility. It is an opportunity to expand an existing, locally owned pet-care business by adding one carefully limited service that is already in demand among pet owners: in-home boarding. For pet owners, in-home boarding provides an alternative to traditional kennel environments, particularly for dogs that may do better in a home setting. For the community, the service provides a local option operated by an experienced pet-care professional who is insured, trained in animal handling and emergency response, and actively involved in animal welfare. Approval would allow this service to be provided transparently through an established local business with defined operating limits and accountability.

Single Client Household Model: The defining limitation of this proposal is that the Business will accept only one client household for boarding at a time. While most stays involve just 1 dog, the residence can accommodate up to 2 dogs if a single client owns a pair of bonded family pets. Never are dogs from different, unrelated families mixed, substantially reducing the opportunity for cross-exposure between unrelated boarding animals and reducing the risk of disease transmission associated with mixing animals from multiple households.

Primary vs. Supplemental Operations: On a day-to-day basis, Elu & Friends operates primarily off-site at clients' residences and in public spaces through services such as dog walking, drop-in visits, and transportation. These off-site services generate zero foot traffic or neighborhood noise at my residence. In-home boarding is strictly a low-volume, supplemental service offered.

Addressing Safety Concerns & Risk Prevention: Concerns surrounding neighborhood safety, loose dogs, and uncontrolled behavior are legitimate considerations whenever pets are being cared for—and is a core safety priority of Elu & Friends. However, there is a fundamental difference between unsupervised neighborhood pets escaping a yard and pets under the care of a professional pet care provider. Under the single client household model, guest dogs are kept under constant direct supervision. Combined with mandatory off-site behavioral screenings, required rabies and vaccination verifications, controlled leashed transfers, and professional liability coverage, Elu & Friends provides a secure, highly controlled environment that mitigates neighborhood risks.

2. Professional Qualifications & Experience

Elu & Friends is an active LLC operating in Madison Heights, backed by full professional pet care business insurance. My professional background directly targets common operational concerns—specifically animal behavior and handling, emergency procedures, disease prevention, and escape protocols.

Regulated Local Business vs. Unregulated Apps: Pet boarding and in-home pet care are already services sought and provided within the community through online platforms such as Rover and Care. The distinction is important: Elu & Friends is not asking the city to create a new type of service for the community; the Business seeks approval to provide an existing service through a small, professionally operated local business with insurance, safety protocols, and accountability to city standards.

Behavioral & Safety Training: Completed formal canine behavior training through K9 Turbo Training, as well as formal obedience training classes.

Safety, Handling & Emergency Preparedness:

- **Fear Free Program Certified:** Trained in low-stress handling, fear reduction, and gentle cooperative care techniques.
- **Canine & Feline CPR and First Aid Certified:** Equipped to handle sudden medical needs and health emergencies.
- **USDA Class T Carrier Registration:** Registered under the Animal Welfare Act for safe, compliant animal transportation.

Animal Care Experience & Community Involvement:

- **Board Director & Foster Coordinator** for Mid Michigan Pug Club & Rescue, managing foster care, logistics, intake transport and supporting foster families with canine care, behavior, and safe handling techniques.
- **Madison Heights & Metro Detroit Community Events:** Host and organize local pet events across Metro Detroit and Madison Heights—fostering community connection, supporting local pet owners, and keeping pet care spending within our local economy by partnering with local businesses.
- **Active Shelter Volunteer** dedicated to dog walking, transport, and handling with Detroit Animal Care & Control and Peace Love & Paws.

3. Neighborhood Impact & Operational Controls

An operational plan ensures that guest pets are managed responsibly to maintain the quiet residential character of the neighborhood.

Mandatory Off-Site Screening: Prior to accepting any booking, Elu & Friends conducts a mandatory "meet and greet" with the owner and their dog in a public space outside the neighborhood. This allows a thorough evaluation of the dog's temperament, observation of how the owner handles and interacts with their pet, and ensures a compatible fit before an animal ever enters the residence—all while keeping initial screening interactions completely out of the residential neighborhood.

Minimal Vehicle & Driveway Impact: Client turnover is inherently limited due to the single client household model. Drop-offs and pick-ups create far less driveway traffic than standard residential deliveries or home social gatherings. All client parking takes place strictly in a private, double driveway—never blocking street traffic or neighbor access.

Proactive Noise Mitigation: Dogs are supervised at all times while outdoors. Any dog exhibiting excessive or persistent vocalization is immediately brought indoors to maintain residential peace.

Sanitation: Property hygiene and cleanliness are maintained through regular cleaning routines. Pet waste is picked up on a regular schedule and disposed of, while interior surfaces, living areas, and pet items undergo routine cleaning—a standard practice maintained regardless of whether a guest pet is present.

4. Response to Public Comment Concerns

I understand my neighbors have real concerns about a business service like this being offered close to their homes, and I appreciate the opportunity to respond to them. The concerns raised in public comment submitted ahead of this meeting include noise from a nearby facility, sanitation, traffic, visual impact, and unfamiliar visitors in the neighborhood and are addressed below.

Noise: Several comments reference audible barking from Pawz Inn, located at 275 W. Girard, as an example of neighborhood noise impact. For context, Pawz Inn offers daycare, boarding, and kennel services with the continuous multi-client turnover and higher animal volume described in Section 1 — a much larger scale of operation than the single client household model I am proposing. My operational plan in Section 3 already requires dogs to be supervised at all times while outdoors, with any dog showing excessive or persistent vocalization brought inside immediately.

Health and Sanitation: As described in Section 3, property cleaning routines are maintained on a regular schedule whether or not a guest pet is present. As described in Section 1, all boarded dogs are required to be current on vaccinations and rabies requirements before intake, and I do not accept dogs showing signs of contagious illness or aggression.

Traffic: Because I accept only one client household at a time, drop-off and pick-up activity is infrequent and generates less vehicle traffic than a typical residential social gathering or delivery pattern. All client parking occurs in my private driveway.

Visual Impact: This is a Major Home Occupation, not a facility build-out. There is no exterior signage, outdoor kennel structure, or commercial infrastructure associated with this service. Boarded dogs are kept and supervised inside my home and fenced yard, the same as any privately owned pet.

Unfamiliar Visitors in the Neighborhood: All client screening, described in Section 3, takes place off-site in a public location before a client is approved. This is a much smaller footprint of visitor activity than a facility that serves multiple clients concurrently.

5. Summary & Request for Approval

Approving this Major Home Occupation would allow me, as a qualified pet care professional and young local entrepreneur, to expand my established business by providing a carefully limited boarding service in a transparent, responsible manner. This request is for a small-scale supplemental service—not a commercial kennel—and is designed around professional qualifications, defined operating limits, safety protocols, and consideration for the surrounding residential neighborhood. Approval would allow me to provide this valuable service to Madison Heights residents while operating subject to city requirements and any reasonable conditions of approval. By combining defined operational limits with established professional safety and sanitation standards, Elu & Friends offers a transparent, low-impact local service that respects our surrounding neighborhood while serving Madison Heights pet owners.

Supporting Documentation

Elu & Friends Pet Care L.L.C. Licensing
 Pet Care Business Insurance
 Canine & Feline CPR and First Aid Certification
 Fear Free Program Certification
 USDA Class T Carrier Registration Certification
 Services Agreement and Pet Care Liability Contract
 Pet Profile and Care Information Client Form



28594344



STATE OF MICHIGAN
 CSCL/CD- 700 - ARTICLES OF ORGANIZATION -
 DOMESTIC LLC

Corporations Division Administrator

FILED

Entity #: 900226448
 Filed Date: 6/3/2026

C0790-3785 06/02/2026 Received by Michigan Corporations Division

Articles of Organization <i>Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:</i>					
Article I - Michigan Limited Liability Company Name Michigan Limited Liability Company Name	ELU & FRIENDS PET CARE L.L.C.				
Article II The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.					
Article III Duration of the Company	Perpetual / Ongoing				
Article IV The name of the resident agent at the registered office is: Agent Name: HALI FORTUNA The street address of the location of the registered office is: Street Address: 30159 BRUSH ST MADISON HEIGHTS, MI 48071-1814 ☒ I certify the above individual/company has agreed to serve as the Resident Agent for service of process for this entity.					
Article V The Limited Liability Company will be managed by or under the authority of: Member(s)					
Article VI - (Optional, leave unchecked if not applicable) ☐ Unless otherwise provided by law or in an operating agreement, a person who is a member or manager, or both, of a limited liability company is not liable for the acts, debts, or obligations of the limited liability company. ☐ No member of a member-managed limited liability company and no manager of a manager-managed limited liability company shall have monetary liability to the limited liability company or its members for breach of any duty established in Section 404, except that this provision does not eliminate or limit the liability of a member or manager for any of the following: (a) the receipt of a financial benefit to which the member or manager is not entitled; (b) liability under Section 308; (c) a knowing violation of law; or, (d) an act or omission occurring before the date when this provision becomes effective.					
Optional Article(s) This space is intentionally left blank.					
Filing Effective Date The filing will be effective: when filed by the Corporations Division Administrator.					
Organizer(s) <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Name of individual or organization</th> <th style="width: 40%;">Party Title</th> </tr> </thead> <tbody> <tr> <td>HALI S FORTUNA</td> <td>Organizer</td> </tr> </tbody> </table>		Name of individual or organization	Party Title	HALI S FORTUNA	Organizer
Name of individual or organization	Party Title				
HALI S FORTUNA	Organizer				
Self Signer's Capacity	Hali Fortuna HALI S FORTUNA				
	06/02/2026 Date				

 PETCARE PCI Insurance Card		 PETCARE PCI Insurance Card	
NAMED INSURED Eliu & Friends Pet Care L.L.C.		EFFECTIVE DATES 07/01/2026 to 07/01/2027	
CERT. NUMBER PCI132075		POLICY LIMITS General Liab.: \$1,000,000 / \$2,000,000 Broadened Prop. Damage: \$10,000/\$25,000	
INSURED BY Certain Underwriters at Lloyd's, London			

PCI Insurance

260 South 2500 West, Suite 303
 Pleasant Grove, UT 84062
 844.520.6990
info@petcareins.com
www.petcareins.com

Claim reporting:
claims@vopins.com

This card is for information purposes only. Refer to policy for exact coverages, limitations, and exclusions.



Certificate of Completion

Hali Fortuna

successfully completed the requirements set forth by Pet Emergency Academy in

Canine and Feline CPR and First Aid

The individual above has demonstrated proficiency in the subject matter through examination and in accordance with the veterinary industry standard methods of animal health care.

Completed on May 2026 / Certificate #- 12434

Certification is valid for 2 years from date of completion listed on this certificate.



This program 20-750853 is approved by the AAVSB RACE to offer a total of 0.00 CE Credits (0.00 max) being available to any one veterinarian; and/or 3.00 Veterinary Technician CE Credits (3.00 max). This RACE approval is for the subject matter category(ies) of: Category One: Scientific using the delivery method(s) of: Seminar/Live. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements. This program is approved by IAABC Course Code- 97245867 for 3 CEU

www.petemergencyacademy.com



FearFree™
Leaders in Animal Wellbeing

Certificate of Completion

This certificate is awarded to
Hali Fortuna

Has successfully completed Fear Free®
Shelter Program Core Modules

This program 20-845239 is approved by the AAVSB RACE to offer a total of 5 CE Credits (5 max) being available to any one veterinarian; and/or 5 Veterinary Technician CE Credits (5 max). This RACE approval is for the subject matter categories of: Medical using the delivery method of Non-Interactive-Distance. This approval is valid in jurisdictions which recognize AAVSB RACE; however, participants are responsible for ascertaining each board's CE requirements, RACE does not "accredit" or "endorse" or "certify" any program or person, nor does RACE approval validate the content of the program.



Dr. Marty Becker
Founder



August 27, 2026

Date of Completion

fearfreepets.com

Fear Free, LLC - 8181 Arista Place Suite 100, Broomfield, CO 80021



United States Department of Agriculture

Expiration Date: August 20, 2029

Marketing and Regulatory Programs

Animal and Plant Health Inspection Service

Animal Care

This is to certify that
Elu & Friends Pet Care LLC

is a registered Class T - Carrier under the

Animal Welfare Act
(7 U.S.C. 2131 et seq.)

Certificate No. 34-T-0331
Customer No. 6028714



Deputy Administrator



Doc No. CP2T-EZ2-LX69
Date Aug 26th, 2026

Elu & Friends Pet Care L.L.C.
30159 Brush St
Madison Heights, MI 48071
(586) 300-2664

Services Agreement & Pet Care Liability

This agreement is effective Wed, Aug 26th 2026 and is between Elu & Friends Pet Care L.L.C. (hereinafter referred to as "Elu & Friends Pet Care L.L.C.") and (hereinafter referred to as "client") who resides at . This agreement constitutes permission to enter above address and perform duties as stated in the Client and Dog Information Sheet. This agreement will remain in effect for all future visits, provided that no significant changes have taken place by either party.

Any changes to this agreement must be done so in writing or they will be null and void. Elu & Friends Pet Care L.L.C. has the right to make any changes to this agreement at will and without notice. With any changes, a new agreement will be presented before any new services are rendered.

Policies and Procedures

The client hereto agrees as follows:

1) Liability Policy: Elu & Friends Pet Care L.L.C. and employees agree to provide services stated in this contract in a reliable and trustworthy manner. In consideration of these services and as an express condition thereof, the client expressly waives any and all claims against Elu & Friends Pet Care L.L.C. or its employees, unless arising from gross negligence on the part of Elu & Friends Pet Care L.L.C..

By signing this agreement, the client (the "Pet Parent") acknowledges, reads, and agrees to the following liability and waiver terms:

Elu & Friends Pet Care L.L.C. cannot be held responsible for pets that cause damage to furniture, carpet, flooring/woodwork, walls, etc. while pet care provider is not present.

Elu & Friends Pet Care L.L.C. cannot be responsible for pets that bite, suffer an accidental death or escape from faulty fencing or from inside the home due to faulty screens, doors, etc.

Elu & Friends Pet Care L.L.C. cannot be responsible for any complications pets may suffer or actions of pets while they are unattended.

Elu & Friends Pet Care L.L.C. or its employees shall not be held responsible for the loss, injury, death, or actions of any dog that the client has let outside or has instructed the pet care provider to allow outside while Pet Care Provider is not present. This includes pets with doggie doors and outdoor pets. Fenced in yards are wonderful play spaces for pets. However, no fence system is 100% secure for your pet's safety. Elu & Friends Pet Care L.L.C. does not accept responsibility or liability for any customer's pets that escape, are injured, become lost or fatally injured or otherwise, when pets are left outdoors or given access to a fenced in area. This includes electronic, wood, metal, and all other fence types.

The client represents that their pet is free from contagious diseases and current on all vaccinations required by policy or applicable law. The client understands that all pets must have a veterinarian and must be up to date on the rabies vaccination. Client agrees to reimburse Elu & Friends Pet Care L.L.C. for all costs (including, but not limited to, medical care and lost wages) associated with contracting any ailments while exposed to pet(s).

Elu & Friends Pet Care L.L.C. does not accept aggressive pets. Client agrees to be responsible for all costs (including, but not limited to, medical care, attorney fees, etc.) if client's dog should bite another person or animal. The client affirms that any prior aggressive behavior or tendencies exhibited by their pet have been fully disclosed to Elu & Friends Pet Care L.L.C.. The client further agrees to notify Elu & Friends Pet Care L.L.C. of any changes in their pet's behavior before subsequent visits or services. If pets exhibit aggressive behavior that poses a risk to the Pet Care Provider or prohibits them for caring for the pet, services may be suspended or refused.

Elu & Friends Pet Care L.L.C. welcomes pets of varying training levels, including those still working on leash manners. However, for the safety of both the pet and the Pet Care Provider, all dogs must be securely walked on a leash, collar, and/or harness provided by the client, no exceptions. If a dog pulls excessively or chokes themselves, Elu & Friends Pet Care L.L.C. reserves the right to adjust the walk's pace or setup for the pet's safety.

Elu & Friends Pet Care L.L.C. does not retain client keys for future use between service periods. Keys must be provided via a secure on-site lockbox, digital keypad/garage code, or handed off at the initial consultation. If the client requests keys to be left on the property at the end of a service period (such as inside a lockbox, under a mat, or hidden outside), Elu & Friends Pet Care L.L.C. cannot be held responsible for lost keys, lockbox malfunctions, or any subsequent security issues regarding the property. All keys left in our care during a service period will be returned immediately upon completion of that specific service.

2) Booking and Cancellation Policy:

Booking Requirements: Boarding and event chaperone requests require at least a two (2) week advance notice, though availability cannot be guaranteed. A 50% non-refundable deposit is due at the time of booking for all boarding reservations to secure your spot.

Standard Cancellations: Cancellations for daily and scheduled services—including dog walking, home check-ins, afternoon adventures, and transportation requests—must be received at least 48 hours in advance to receive a full refund. Cancellations made less than 48 hours before the scheduled service are subject to a cancellation fee equal to 50% of the total service cost.

Holiday Cancellations: Holiday seasons are our busiest periods, and we frequently turn away other clients to reserve your spot. Because holiday spots are in incredibly high demand, we require a minimum of a 7-day notice for holiday cancellations to avoid a fee. Cancellations made with less than 7 days' notice during a holiday period will be billed at the full rate of the scheduled service.

Elu & Friends Pet Care L.L.C. reserves the right to deny service or terminate service at any

time due to safety concerns, financial concerns, or inappropriate or uncomfortable situations. Your cooperation in adhering to our booking and cancellation policies is greatly appreciated.

3) An initial meeting with you and your pet(s) must be completed for required services. We will make every effort to accommodate last minute bookings for existing clients, schedule permitting.

4) Bad Check Policy: A \$50 fee is assessed on all returned checks. All fees are due promptly and must be paid via cash or money order only.

5) Emergencies: Client agrees to authorize Elu & Friends Pet Care L.L.C. to handle any emergencies that may arise. Elu & Friends Pet Care L.L.C. will make every effort to contact client. In the event client cannot be contacted, client authorizes Elu & Friends Pet Care L.L.C. to use their best judgment and to be available at an hourly rate to oversee the circumstances. Elu & Friends Pet Care L.L.C. requires you to have a designated emergency contact/responsible party who can take care of your pet(s) in the event of unforeseen circumstances beyond our control, such as severe inclement weather or a natural disaster. Elu & Friends Pet Care L.L.C. is not responsible for pets in these circumstances.

6) Inclement/Severe Weather: In the event of a severe weather event, Elu & Friends Pet Care L.L.C. will initiate the following contingency plan: 1) Every effort will be made to reach your home safely; 2) The service schedule may be changed, interrupted, altered or cancelled at our discretion; 3) If it is not possible to safely drive to your home, you or your emergency contact will be notified as soon as reasonably possible; 4) You will be notified that the aforementioned contingency plan has been activated.

7) Payment Arrangement: Regularly scheduled dog walking and pet care visits are billed at the end of the month. Unforeseen purchases of supplies or other items will incur a \$25 travel charge.

8) Updates: The client is responsible for providing Elu & Friends Pet Care L.L.C. with updates on any changes regarding your pet's care, health, behavior and/or any other pertinent information.

9) Medications/Vaccinations: Under no circumstances will Elu & Friends Pet Care L.L.C. provide service to any pet that has any form of contagious illness. We require that all pets have the necessary vaccinations, immunizations, and flea and tick treatments before any service commences. This is for the safety of our employees as well as other clients.

10) Leashes: All dogs will be required to be on leash during all outdoor walks. Client is responsible for supplying a leash, collar and/or harness.

11) Access to Your Home by Others: If Client allows any other person(s) access to their home during Elu & Friends Pet Care L.L.C. contract period, Elu & Friends Pet Care L.L.C. cannot be held liable for any damages to your property or pets as a result. Please notify Elu & Friends Pet Care L.L.C. if someone will be in your home. Please also notify the person(s) in your home that Elu & Friends Pet Care L.L.C. will be entering your home so that your visitor is not surprised or otherwise upset by our entrance.

12) Cancellation of Contract: Elu & Friends Pet Care L.L.C. reserves the right to terminate this agreement at any time before or during its term. Client may terminate this agreement at any time, in writing, and paying immediately any outstanding service invoices.

13) Use of Video Surveillance: If you will be using surveillance cameras in the home, please let us know. We are honest, trustworthy, have nothing to hide, and don't mind if you use cameras. We only require that if we use your restroom, cameras are completely inactive in that area for privacy. Should we discover that live or recording cameras are active in the restroom while we are using it, we reserve the right to terminate any and all contracts at our discretion. You also agree not to share any video or audio of Elu & Friends Pet Care L.L.C. staff on social media or other public online platforms or venues without our knowledge or approval, for any reason. In the event of a dispute, whether brought by the owner or Elu & Friends Pet Care L.L.C., video footage may be shared with legal parties as necessary.

14) Posting Your Pet(s) on Social Media: Elu & Friends Pet Care L.L.C. frequently uses images/pictures of our clients' pets for promotional purposes on our website, Facebook page and Instagram account. No information regarding your identity, address, current location or any other personal information shall ever be disclosed. Any text associated with

these images may disclose your pet's name, age, species, and breed while also describing certain personality traits such as tricks, favorite toys and affectionate gestures (belly rubs, ear scratches, etc.).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

{name}

30159 Brush St, Madison Heights MI 48071 . (586) 300-2664 . hello@eluandfriendspetcare.com .
<https://www.eluandfriendspetcare.com/>

Pet Profile and Care Information

Welcome to the Elu & Friends Pet Care family! Now that your booking is confirmed, it's time to dive into the details.

Please complete this comprehensive profile as thoroughly as possible. The information you provide here ensures we can navigate your home safely, tailor our walks and adventures to your dog's unique personality, and know exactly what to do and who to call in the unlikely event of an emergency.

Thank you for helping us provide the safest, most individualized care possible for your furry family member!

Pet Name(s)*

Pet Birthday *

Emergency Contact Name, Phone Number and Relationship to you*

Vet Clinic Name, Address and Phone Number*

Next

Powered by **PocketSuite** · [Privacy policy](#)

Emergency Vet Name, Address and Phone Number

Enter text

Emergency Vet Preferred Doctor

Enter text

Rabies & Vaccination Records*

Upload file

Pet(s) Medication & Dosages

Enter text

Pet(s) Existing Medical Conditions

Enter text

Is Your Pet(s) Microchipped?*

☐ Yes

☐ No

For dog walking/in home visits, how will we access your home? (keypad, lockbox, garage code, etc.)

Enter text

Are there any security systems or smart doorbells we should be aware of? (Yes/No – If yes, please provide brief instructions)*

Enter text

Where should we leave your house keys when your scheduled services are complete?

Enter text

How does your pet(s) react to seeing other dogs, small critters or people on a leash?*

Enter text

Does your pet(s) have a history of slipping out of their collar or bolting through doors?*

☐ Yes

☐ No

Enter text

Does your pet have any allergies? If so, please list them.*

Enter text

Is your pet(s) crate-trained? (Yes/No - If yes, do they go in willingly or need a treat?)*

Enter text

How long can your pet(s) safely be left alone? (e.g., 2 hours, 4 hours, 8 hours)*

Enter text

Are there any areas of the house or furniture your pet(s) is strictly restricted from?*

Enter text

Does your dog have any specific fears, phobias, or triggers? (e.g., Thunder, fireworks, loud trucks, skateboards, men in hats)*

Enter text

Does your dog display any toy, food, or resource guarding behaviors?*

Enter text

Enter text

May we share photos or videos of your pet on our social media or website?*

☐ Yes

☐ No

PUBLIC HEARING:**Special Land Use PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog Boarding)**

City Planner Matt Lonnerstater introduced the request for Special Land Use approval submitted by Hali Fortuna to operate a major home occupation dog boarding business at 30159 Brush Street, zoned R-3 Single-Family Residential.

Per the applicant, Ms. Fortuna would be the sole employee, boarding dogs within the home and the fenced-in backyard. The applicant specified one client at a time with pick-up/drop-off in the driveway. Because the business involves routine client visits and outdoor activity in the backyard, staff classified the request as a Major Home Occupation under the Zoning Ordinance, which requires Special Land Use approval.

Planner Lonnerstater reviewed the applicable standards as detailed in the packet.

Additionally, Planner Lonnerstater highlighted that the general Special Land Use standards require protecting public health, safety, and welfare, and compatibility with the neighborhood character and noted that Article 5 of the Code of Ordinances limits pets to a maximum of three dogs or cats per residence.

Chair Champagne opened the floor for public comment at 5:36 p.m.

Letters Read into the Record have been attached to the minutes. City Clerk Daley read written correspondences received in opposition to the request from:

Mr. Stephen Essenmacher

Mr. Eric Braun

Collette LeClair (email)

The following public speakers spoke in opposition to the special use:

Ernest – resident on Brush Street

Mr. and Mrs. McGillivray – residents on Brush Street

Seeing no further speakers, Chair Champagne closed the public comment portion at 5:44 p.m.

Chair Champagne invited the applicant, Hali Fortuna, to the podium to address the Planning Commission. She briefly noted that she would host one client at a time.

During discussion, Planning Commissioner Marsh asked for clarification pertaining to "one client." Per Ms. Fortuna, one client refers to one additional dog, as the applicant currently has two dogs of her own.

Attorney Burns clarifies that if animals are being housed for a fee, it would qualify as a commercial business. The city regulates and licenses such operations under local business licensing as a "kennel" to ensure oversight, but places strict conditions through the Special Land Use.

Planner Lonnerstater clarified that any single-family resident may keep up to three personal dogs, and noise complaints are handled by the Police Department under the general noise ordinance.

Commissioner Olson expressed strong concerns regarding neighborhood impacts and that granting a Special Land Use would make it extremely difficult for adjacent neighbors to seek relief from future disturbances.

Mayor Haines expressed that owning three personal pets is not equivalent to a commercial boarding business of unfamiliar dogs due to the vaccination, health, and disease control risks.

Commissioner Fox stated that he supports the entrepreneurial nature of this request.

PC 26-28. Special Land Use PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog Boarding)

MOTION MADE BY COMMISSIONER MARSH, SECONDED BY COMMISSIONER OLSON THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, the neighborhood, or the general welfare of the neighbors and noise in the general area.
 - c. The use is incompatible with the surrounding neighborhood.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Marsh, Commissioner Oglesby, Commissioner Olson

Voting Nay: Chair Champagne, Commissioner Fox

Motion carries 5-2.

Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

Conflict of Interest Recusal: Commissioner Cliff Oglesby declared a conflict of interest because he resides directly adjacent to the subject property. Commissioner Oglesby recused himself and left the room at 6:00 p.m.

City Planner Lonnerstater introduced the request for Special Land Use approval submitted by Tonya Cole (represented by Martino Tomas) to operate a major home occupation for a licensed massage therapy business within a detached accessory shed in the rear yard of 26126 Groveland Street. The property features a single-family home with a detached garage and is zoned R-3 Single-Family Residential.

Per the applicant's application, the massage therapy services would be conducted on a one-on-one, appointment-only basis inside the detached shed. Proposed hours of operation were 8:00 a.m. to 9:00 p.m., with 4 to 8 clients per day, parking on the driveway, and one employee (the applicant). Because the business involves routine client visits and operates out of an accessory structure, staff classified it as a Major Home Occupation.



Madison Heights special land use

From Stephen Essenmacher <sessenmacher131063mi@comcast.net>

Date Sat 8/22/2026 10:01 AM

To Matt Lonnerstater <mlonnerstater@madisonheightsmi.gov>

In reference to **Case #PSP 26-05-30159, Brush Street**, I respectfully request that the proposed Special Land Use **not be approved**.

This property is a single-family residence located within a neighborhood comprised of other single-family homes. Allowing a dog boarding operation at this location would be inconsistent with the residential character of the neighborhood and could negatively impact the quality of life of surrounding residents.

Currently, **Ordinance #1072, Section 5-33** states that dogs or cats permitted under this chapter are limited to no more than three per residence. This limitation exists for important reasons, including concerns related to noise, odors, health and sanitation, and the overall impact that housing multiple animals may have on a residential neighborhood.

Homes located near kennels or dog boarding operations may experience negative effects on neighborhood appearance and, potentially, property values. In addition, the noise associated with multiple dogs housed in close proximity can result in frequent or prolonged barking, disrupting the peace and quiet that residents reasonably expect in a single-family neighborhood. For example, residents in the vicinity of Pawz Inn, located at 275 W. Girard, can hear dogs barking from that facility.

Operating a dog boarding business from a residence can also create additional concerns related to odors, sanitation and health risks, increased activity and traffic, and visual impacts. Collectively, these issues could diminish the quality of life and enjoyment of property for neighboring residents.

For these reasons, I respectfully ask that you **not approve the Special Land Use request for Case #PSP 26-05-30159, Brush Street**, and instead preserve the residential character and quality of life of this single-family neighborhood.

Thank you for your consideration.

Stephen Essenmacher



Case # PSP 26-05 - 30159 Brush St.

From Eric Braun <embraun14@gmail.com>

Date Sat 8/22/2026 9:56 AM

To Matt Lonnerstater <mlonnerstater@madisonheightsmi.gov>

In reference to **Case #PSP 26-05-30159, Brush Street**, I respectfully request that the proposed Special Land Use **not be approved**.

This property is a single-family residence located within a neighborhood comprised of other single-family homes. Allowing a dog boarding operation at this location would be inconsistent with the residential character of the neighborhood and could negatively impact the quality of life of surrounding residents.

Currently, **Ordinance #1072, Section 5-33** states that dogs or cats permitted under this chapter are limited to no more than three per residence. This limitation exists for important reasons, including concerns related to noise, odors, health and sanitation, and the overall impact that housing multiple animals may have on a residential neighborhood.

Homes located near kennels or dog boarding operations may experience negative effects on neighborhood appearance and, potentially, property values. In addition, the noise associated with multiple dogs housed in close proximity can result in frequent or prolonged barking, disrupting the peace and quiet that residents reasonably expect in a single-family neighborhood. For example, residents in the vicinity of Pawz Inn, located at [275 W. Girard](#), can hear dogs barking from that facility.

Operating a dog boarding business from a residence can also create additional concerns related to odors, sanitation and health risks, increased activity and traffic, and visual impacts. Collectively, these issues could diminish the quality of life and enjoyment of property for neighboring residents.

For these reasons, I respectfully ask that you **not approve the Special Land Use request for Case #PSP 26-05-30159, Brush Street**, and instead preserve the residential character and quality of life of this single-family neighborhood.

Thank you for your consideration.

Eric Braun

30121 Alger



Outlook

Special land request

From Collette LeClair <onthepointhomeinspections@gmail.com>

Date Mon 8/24/2026 8:00 PM

To Matt Lonnerstater <MLonnerstater@madisonheightsmi.gov>

This is to let you know that we oppose both Special PSP 26- Land Use requests: PSA 26-05 at 30159 Brush St and PSP 26-06 26126 Groveland St.

There are reasons why these are zoned residential and not commercial. We do not need barking dogs and strangers coming and going on residential streets. It is bad enough that the city has allowed AirBnBs on residential streets; we do not need any more.

If these people want a business, fine, rent a place that is zoned commercial and keep the traffic and strangers there and away from our children.

M. Deltar



Virus-free. www.avast.com



AGENDA ITEM SUMMARY FORM

MEETING DATE: 9/14/26

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Land Use Request PSP 26-06 – 26126 Groveland St. – Major Home Occupation [Massage Therapy]

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, property owner, and resident of the property, Tonya Cole, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (licensed massage therapy business) out of a detached accessory structure at 26126 Groveland Street, zoned R-3, One-Family Residential; tax parcel # 44-25-24-152-003. The property contains a single-family house, detached garage, and a 144 sq. ft. accessory shed (with a deck) and is located on the east side of Groveland Street, south of East Cowan Avenue.

Note: This is an “after-the-fact” request, as code enforcement records indicate that the home occupation has been operating from the detached shed on-and-off since at least 2022 without proper city approvals.

RECOMMENDATION:

Planning Commission Recommendation: Denial

Refer to staff report, including "Planning Commission Action and Findings" on page 1 and "Template Motion, Findings and Conditions" section on page 9.



MEMORANDUM

Date: September 8th, 2026

To: City of Madison Heights City Council (September 14th, 2026 Meeting)

From: Matt Lonnerstater, AICP – City Planner

Subject: Special Land Use Request PSP 26-06– 26126 Groveland Street – Major Home Occupation [Massage Therapy]

TEMPLATE MOTION AND FINDINGS INCLUDED ON PAGE 9

Introduction

The applicant, property owner, and resident of the property, Tonya Cole, requests Special Land Use approval from the Planning Commission and City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Home Occupation (licensed massage therapy business) out of a detached accessory structure at 26126 Groveland Street, zoned R-3, One-Family Residential; tax parcel # 44-25-24-152-003. The property contains a single-family house, detached garage, and a 144 sq. ft. accessory shed (with a deck) and is located on the east side of Groveland Street, south of East Cowan Avenue.

Note: This is an “after-the-fact” request, as code enforcement records indicate that the home occupation has been operating from the detached shed on-and-off since at least 2022 without proper city approvals.

Planning Commission Action and Findings.

Per the Zoning Ordinance adopted in 2024, Special Land Use requests begin at the Planning Commission for a public hearing, with a recommendation made to City Council for final action. A public hearing was held at the August 25th, 2026 special Planning Commission meeting. Several letters of opposition were read into the record, and several members of the public spoke in opposition. Following the public hearing, the Planning Commission approved the following motion pertaining to the proposed Special Land Use request:

MOTION MADE BY MAYOR HAINES, SECONDED BY COMMISSIONER FOX THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY **RECOMMENDS THAT CITY COUNCIL DENY** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:

- a. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that are inconsistent with the ordinances.
- b. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - ii. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
5. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance
 - a. It is not located within the principal dwelling.
 - b. There would be a negative impact on surrounding residential properties.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Marsh, Commissioner Olson

Abstaining: Commissioner Oglesby

Motion carries 6-0.

Project Details

The applicant has provided a project narrative and scope of work for the proposed massage therapy business, summarized below:

- Massage therapy services rendered entirely within the accessory shed located in the rear yard.
- One employee (applicant), with services provided on a one-on-one, appointment-only basis.
- Appointments will take place between 8am and 8pm.
- Anticipated service of 4-8 clients per day.
- Clients will be instructed to park in the driveway and proceed to the shed in the rear yard.

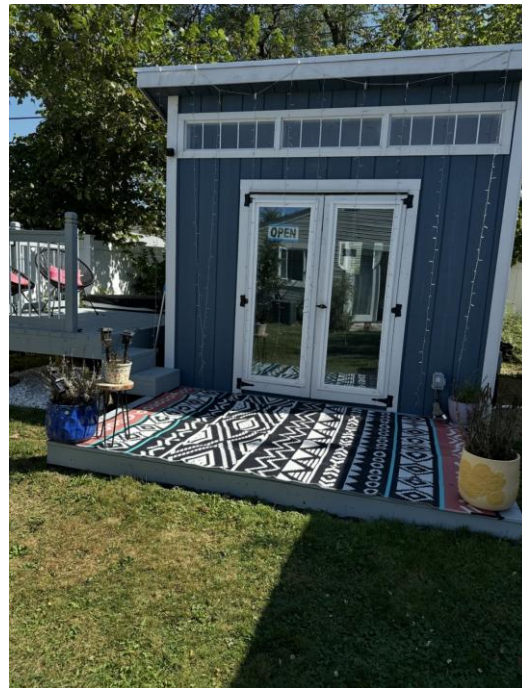
26126 Groveland Street



Aerial view of 26126 Groveland. Circled in yellow is the shed where the massage therapy will take place.



Images of detached shed proposed for Major Home Occupation (licensed massage therapy)



Inspection and Violation History

Since 2022, a number of violations have been recorded at the subject property relating to the operation of a commercial home occupation out of the shed, as well as failures to obtain proper permits for the shed itself. A brief violations and inspection history is provided below:

August, 2022: Violation reported for the operation of a commercial business out of the shed. Warning issued. Upon re-inspection in September, 2022, operation of the business was noted to have ceased. Violation closed.

May, 2023: Violation reported that commercial operation had started back up. Warning issued. Continued operation noted upon re-inspection. Ticket issued.

February, 2026: Repeat violation reported about continued operation of the home occupation. Ticket issued. Court appearance held. Instructed applicant to apply for Special Land Use approval for Major Home Occupation under new Zoning Ordinance. Special Land Use application submitted July, 2026

As of the date of this memo, there are several open building and trade permits related to the shed awaiting final approval:

- Electrical and Mechanical Permits for generator.
- Electrical and Mechanical Permits for mini-split.
- After-the-fact rat wall inspection for the shed.

Home Occupation Details

Home occupations are defined in the Zoning Ordinance (Section 2.01) as, *“a business, business activity, profession, occupation, or trade activity operating within a dwelling unit by the resident(s), subject to the conditions and limitations of the Zoning Ordinance.”*

Home occupations are further divided into “minor” and “major” classifications. A Major Home Occupation is defined as, *“a home occupation that may be evident to the surrounding area and/or involve the resident utilizing an accessory building or outdoor areas for operations and/or being the type of occupation which involves routine client or non-resident visits to the home.”*

As the proposed massage therapy business involves routine client visits to the home, staff has classified the proposed use as a Major Home Occupation. Major Home Occupations require Special Land Use approval and are subject to use-specific standards.

Use-Specific Standards for Major Home Occupations

Home occupations are subject to the use-specific zoning standards set forth in **Section 7.03.18** of the Zoning Ordinance, listed below:

- (1) *The operation of the Major Home Occupation shall be conducted within the Dwelling Unit, attached or detached accessory building, or rear yard.*
- (2) *The Major Home Occupation shall be conducted by the person or persons occupying the structure as their principal residence and up to two (2) non-resident employees. Additional employees may meet at the residence solely for purposes of receiving instructions regarding work to be conducted at another site or collection of equipment or materials necessary for their work at another site, or documents relating to their employment.*
- (3) *One off-street parking space per employee is required in addition to the minimum required for the principal residential use. On-street parking shall not be counted toward required parking spaces.*
- (4) *The Major Home Occupation shall not create negative impacts on surrounding residential property. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, or matters at any time. No mechanical, electrical, or similar machinery equipment, other than that used for residential purposes, shall be utilized in the Major Home Occupation.*
- (5) *The floor area dedicated to the Major Home Occupation shall not exceed 35% of the Gross Floor Area of the dwelling unit.*

- (6) Retail sales of goods must be entirely accessory to any service provided on the site, except for merchandise crafted on-site.*
- (7) Outside storage shall be located in the rear yard and must be fully screened from surrounding properties by an opaque fence.*
- (8) Customer or client business-related visits, deliveries, and non-resident employee arrivals and departures shall occur between 8:00 a.m. and 8:00 p.m.*
- (9) No signage shall be permitted, except where specifically required by law.*
- (10) No display of any kind shall be visible from the exterior of the premises.*
- (11) Major Home Occupations shall not include the sales and/or service of weapons, guns, ammunition, fireworks, or any components thereof, nor a regulated use as regulated in Section 5.03.*
- (12) In addition to Special Land Use approval in accordance with Section 15.05, a Certificate of Occupancy shall be required for Major Home Occupations in accordance with Section 15.03.*

The applicant has provided a project narrative responding to the criteria for Major Home Occupations. The proposed massage therapy business appears to satisfy a majority of these use-specific standards. However, detailed consideration should be given to #4 pertaining to the “negative impacts” to neighbors. Should City Council move to approve the Special Land Use, staff advises that all of the use-specific standards of Section 7.03.18 be incorporated and referenced as a condition of approval; stricter conditions may be warranted to further address nuisances to neighbors.

Massage Therapy Standards

Massage therapy uses are subject to definitions and use specific standards within the Zoning Ordinance. Important definitions from the Zoning Ordinance are listed below:

- 1) *Massage Therapist, Licensed:*** *An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.*
- 2) *Massage Therapy:*** *A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer’s body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupuncture, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.*
- 3) *Massage Therapy Facility, Licensed:*** *A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.*

The massage therapy business would qualify as a Licensed Massage Therapy Facility as the applicant possesses both a state license and membership with the American Bodywork and Massage Professionals Association (AMBP). Due to qualifying as a Licensed Massage Therapy Facility, the Zoning Ordinance classifies the proposed business as a Personal Service Establishment, defined as:

- 1) **Personal Service Establishment:** *An establishment or a place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, tattoo/body art shops, licensed massage therapy facilities, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, millinery, and tailor and dressmaker shops.*

Personal Service Establishments are permitted as Major Home Occupations. Therefore, there are no use specific standards on the basis of it being a massage therapy business. However, the use-specific standards for Major Home Occupations still apply.

Site Analysis

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Single-Family Residential	R-3, One-Family Residential
North	Single-Family Residential	R-3, One-Family Residential
South	Single-Family Residential	R-3, One-Family Residential
East	Single-Family Residential	R-3, One-Family Residential
West	Single-Family Residential	R-MN, Mixed Neighborhood

The residential property is 0.14 acres (6,250 sq. ft.) in size and is located mid-block within a single-family residential neighborhood. The property is improved with a single-family house, a detached garage which is accessed via a driveway, and a detached 144 sq. ft. shed in the rear yard. Massage therapy services are proposed within the shed. Per the Madison Heights Zoning Ordinance, the R-3 zoning district is “*designed to provide for one-family dwelling sites and residentially-related uses in keeping with the Master Plan of residential development in the City of Madison Heights.*”

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Single-Family Residential
North	Single-Family Residential
South	Single-Family Residential
East	Single-Family Residential
West	Single-Family Residential

The future land use designation of the subject site is *Single-Family Residential*.

City Council should consider the following Goals & Objectives of the 2021 Madison Heights Master Plan as part of this Special Land Use request:

Housing

- *Ensure that infill and redeveloped residential properties are compatible with the surrounding area and adjacent parcels.*
- *Support neighborhoods by improving walkability and access goods and services.*

Special Land Use Criteria

Requests for Special Land Use approval are subject to processes and review standards contained in Section 15.05. A public hearing is required in front of the Planning Commission, after which the Planning Commission may make a recommendation to City Council. After receiving a recommendation from the Planning Commission, City Council has the authority to take final action on Special Land Use requests.

City Council shall consider the Special Land Use review standards contained in Section 15.05.3 and incorporate them into any motion of approval or denial:

- A. The use is so designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
- B. The use is designed in a way that considers the natural environment and helps conserve natural resources and energy.
- C. The Special Land Use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- D. The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood, and vicinity. At a minimum, this shall include:
 - (1) Location of use(s) on site;
 - (2) Height of all improvements and structures;
 - (3) Adjacent conforming land uses;
 - (4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - (5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- E. Ingress/egress to the use shall be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - (1) Reduction in the number of ingress/egress points through elimination, minimization, and/or consolidation of drives and/or curb cuts;
 - (2) Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 - (3) Reduction/elimination of pedestrian/vehicular traffic conflicts;
 - (4) Adequacy of sight distances;
 - (5) Location and access of off-street parking;
 - (6) Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.

F. The use is consistent with the intent and purpose of the zoning district in which it is proposed.

In granting Special Land Use approval, City Council may impose conditions that it deems necessary to fulfill the spirit and purpose of the Zoning Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Staff Analysis

In deliberating the proposed massage therapy business, staff recommends that City Council focus on the impacts to the character of the residential neighborhood, direct impacts on neighbors, and the applicant's ability to meet the use-specific standards for Major Home Occupations (Section 7.03.18). Potential issues relating to this Major Home Occupation include routine client visits, parking, noise and lighting.

The shed is located in the rear yard. The rear yard is surrounded by a privacy fence, and there is an existing vinyl gate at the edge of the driveway which limits views of the rear yard from the street. Additional discussion on screening may be warranted as directed by City Council.

To mitigate these potential nuisances, staff recommends the following conditions:

- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.
- 4) No outdoor activity related to the business shall be permitted.
- 5) No signage related to the business shall be permitted.
- 6) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

Next Step

After discussion, City Council may take action on the requested Special Land Use. Any motion shall include concise findings based upon the Special Land Use review standards and criteria, Section 15.03.3. Per Section 15.05, City Council alternatively may postpone action on a Special Land Use request to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues, or remand the case back to the Planning Commission for reconsideration.

Template motions are provided on the following page.

Attachments

- **Special Land Use Application - PSP #26-06**
- **Draft Planning Commission Minutes – August 25th, 2026**
- **Associated Maps**

- **Images of Shed**
- **Section 3.07 – R3 One-Family Residential District**
- **Section 7.03.18 – Use-Specific Standards for Major Home Occupations**
- **Section 15.05 – Special Land Use Review**
- **Public Hearing Notice**
- **Written Public Comments and Character Letters**

Template Motion, Findings and Conditions

Staff offers the following motions as a suggested template and guide for City Council consideration. City Council may provide additional detailed findings, as needed, to substantiate any motion for approval or denial.

APPROVAL

MOTION BY _____, SECONDED BY _____, THAT CITY COUNCIL **APPROVE** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a licensed massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. With proper conditions, the use is designed, located, and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. With proper conditions, the use will not involve activities that will be detrimental to adjacent residential land uses.
 - c. With proper conditions, the use is designed and located so that it is compatible with the principal uses permitted in the R-3, One-Family Residential district
 - d. With proper conditions, the use is designed and located so that it is compatible with the Madison Heights Master Plan and the Single-Family Residential future land use classification.
4. The use satisfies the use-specific standards for Major Home Occupations as contained in Section 7.03.18 – Use-Specific Standards for Major Home Occupations - as contained in Section 7.03.3 of the Madison Heights Zoning Ordinance.

APPROVAL IS GRANTED WITH THE **FOLLOWING CONDITIONS:**

- 1) Except as further restricted below, the massage therapy business shall at all times comply with the use-specific standards for Major Home Occupations, Section 7.03.18, as effective on the date of this approval, which shall be attached to the record of the Special Land Use approval.
- 2) To reduce direct impacts to neighbors, client appointments shall be limited to one at a time and shall occur between the hours of 9:00 a.m. and 6:00 p.m.
- 3) A minimum of one (1) parking space shall be provided for clients on the residential driveway. Vehicles shall not overhang the public sidewalk.

- 4) No outdoor activity related to the business shall be permitted.
- 5) No signage related to the business shall be permitted.
- 6) In addition to the Certificate of Occupancy, the applicant shall be required to obtain a business license from the Clerk's office and renew annually; upon annual renewal, the applicant shall provide up-to-date state certification and professional massage therapy association membership information.

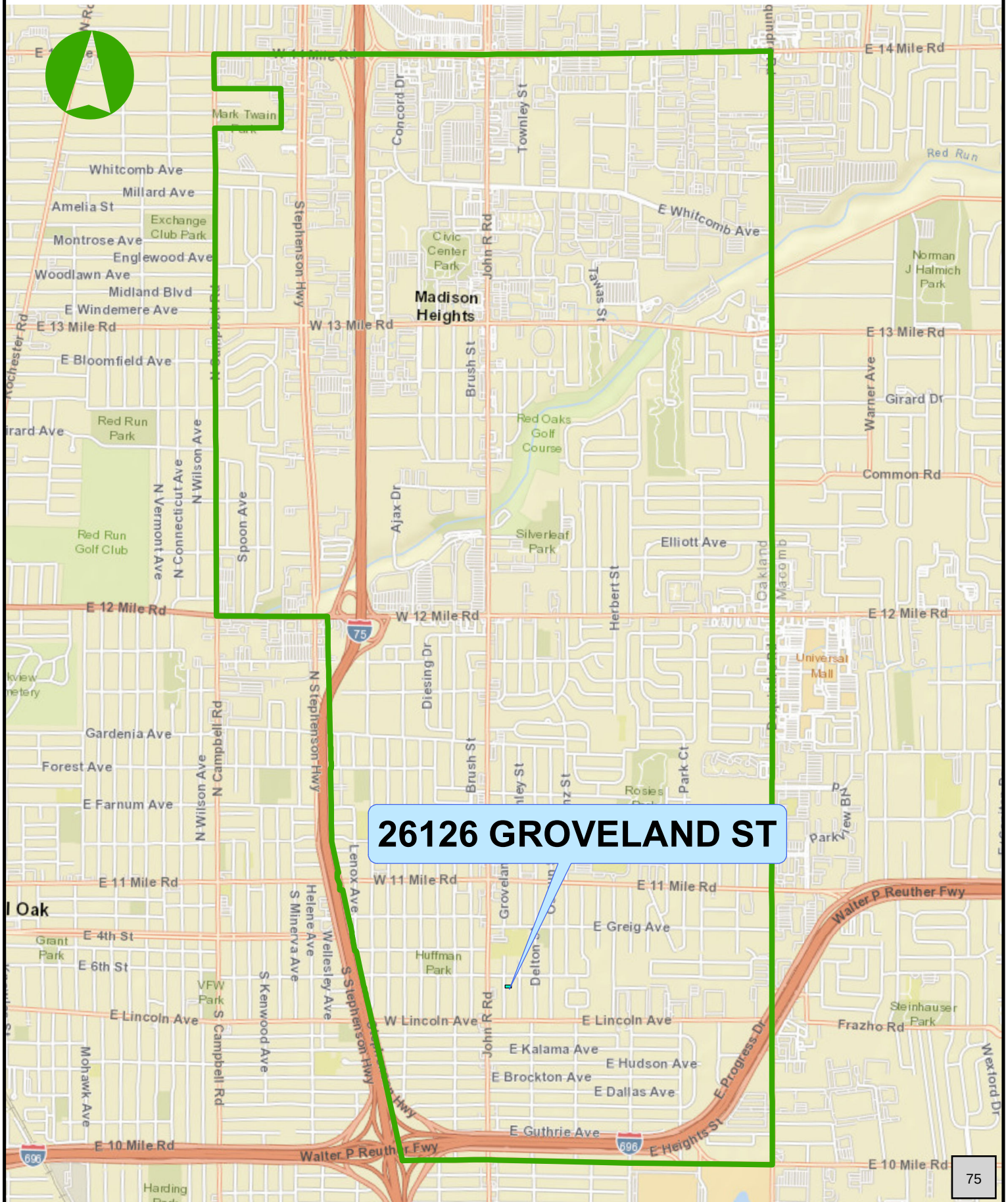
DENIAL

MOTION BY _____, SECONDED BY _____, THAT, BASED UPON THE PLANNING COMMISSION'S RECOMMENDATION, CITY COUNCIL HEREBY **DENIES** SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

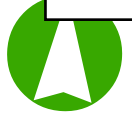
1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular [LIST ANY THAT APPLY, WITH EXPLANATION]:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - c. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Location of use(s) on site;
 - ii. Height of all improvements and structures;
 - iii. Adjacent conforming land uses;
 - iv. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;
 - v. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
4. Ingress/egress to the use is not controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses.
5. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
6. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance [LIST ANY THAT APPLY, WITH EXPLANATION].

PSP 26-06 : 26126 GROVELAND ST

Item 8.

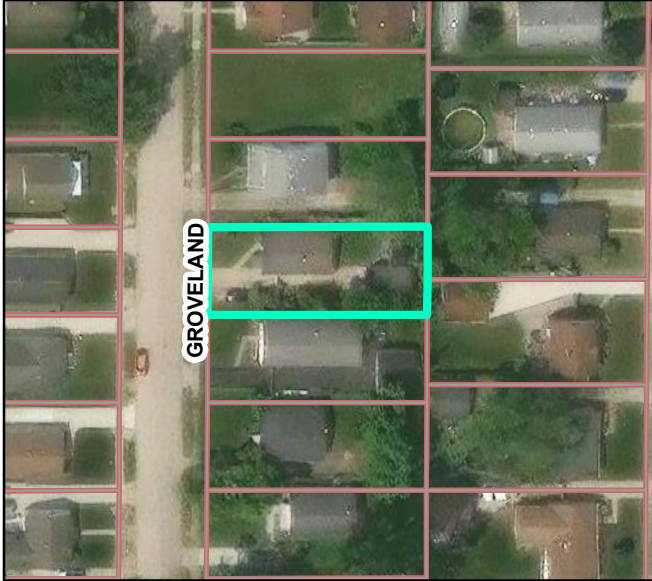


Site Address: 26126 Groveland St



Click for maps

Aerial



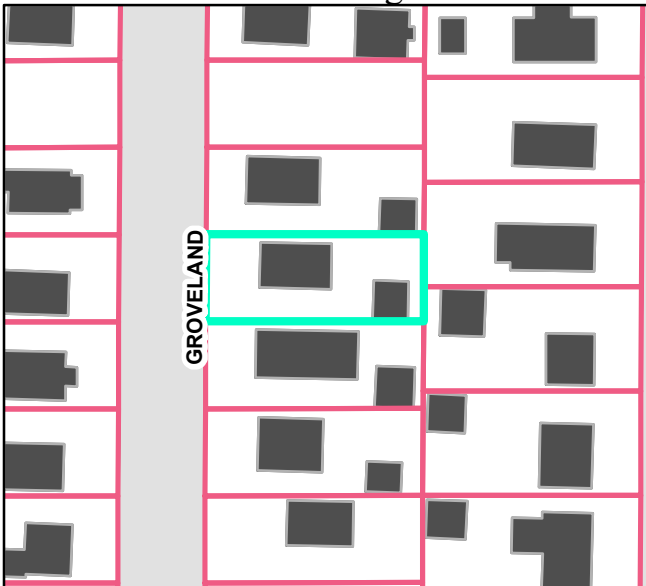
 26126 Groveland St  Parcels

Existing Land Use



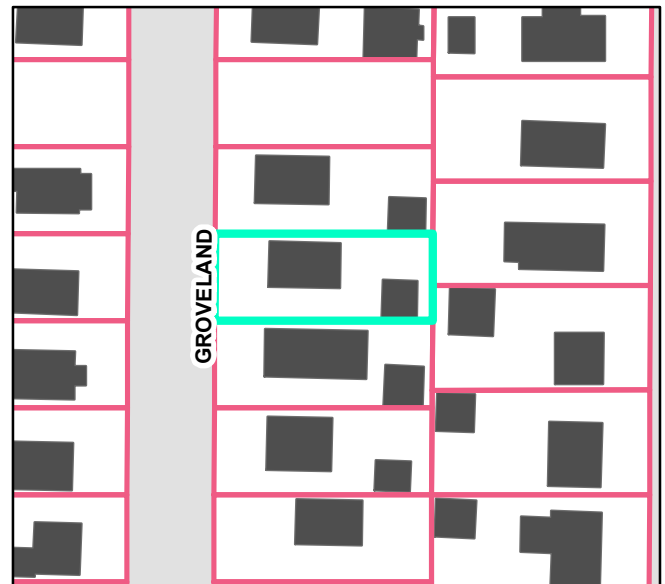
 26126 Groveland St
 Single and Two Family

Zoning



 26126 Groveland St  R-3 Residential

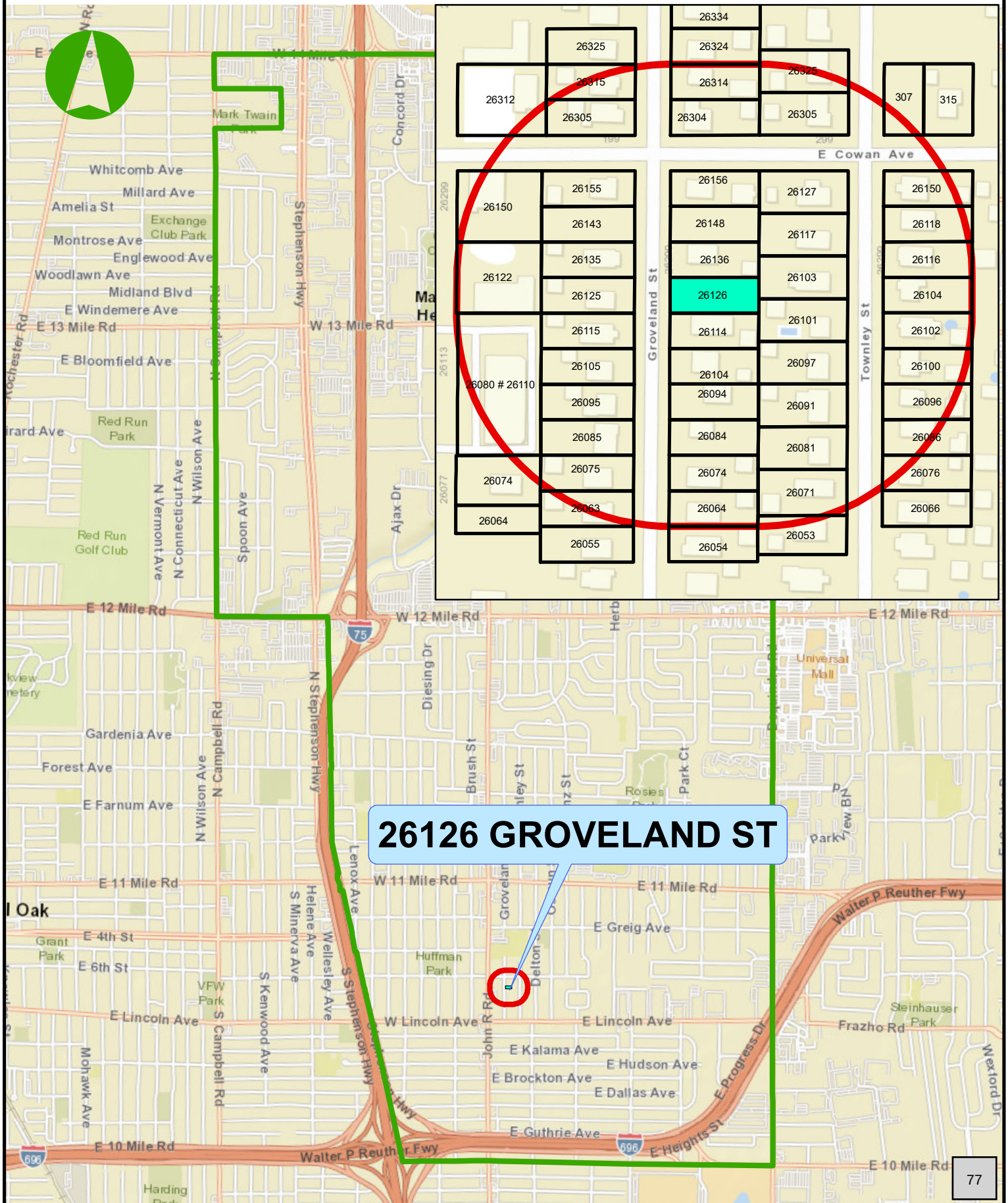
Future Land Use



 26126 Groveland St  Single Family

PSP 26-06 : 26126 GROVELAND ST BUFFER 300 FT

Item 8.





PSP 26-06

Item 8.

CITY OF MADISON HEIGHTS
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
SPECIAL LAND USE APPLICATION

I. APPLICANT INFORMATION

Applicant Tonya Cole
Applicant Address 26126 Groveland St
City Madison Heights State MI ZIP 48071
Interest in Property (owner, tenant, option, etc.) owner
Contact Person Tonya Cole
Telephone Number [REDACTED] Email Address [REDACTED]

II. PROPERTY INFORMATION

Property Address 26126 Groveland St
Tax ID 2524152003 Zoning District R-3
Owner Name (if different than applicant) Tonya Cole
Address 26126 Groveland St
City Madison Heights State MI Zip 48083
Telephone Number [REDACTED] Email Address [REDACTED]

III. CONSULTANT INFORMATION (IF APPLICABLE)

Name Martino Thomas Company Summit Union Real Estate
Address 850 Stephenson Hwy Suite 603
City Troy State MI Zip 48083
Telephone Number [REDACTED] Email Address [REDACTED]

IV. PROJECT NAME

Full Body Treat

V. PROJECT DESCRIPTION AND SCOPE OF WORK

Brief Description of Proposed Special Land Use:

Major Home Occupation - Licensed Massage Therapy (Section 7.03(18))

Required Attachments:

- ☐ **Project Narrative:** Written description of the nature of the proposed use(s), including: products or services to be provided; activities to be conducted inside and outside the building; types of equipment to be used; hours of operation; number of employees; expected levels/ types of vehicular traffic coming to and from the site; other information.
- ☐ **Conceptual Site Plan and Floor Plan:** Conceptual plans containing minimum information listed in **Section 15.05** of Zoning Ordinance (refer to checklist, attached)
- ☐ **Review Standards Response Form** (attached)

VI. APPLICANT CERTIFICATION

I (we) the undersigned do hereby apply to the City of Madison Heights for review and approval of the above-described Special Land Use application. Applicant(s) and the property owner(s) do hereby consent to city staff to assess the property for purposes of evaluating the site for requested action(s).

Printed Name Tonya Cole Signature Tonya Cole Date 7/16/26

VII. PROPERTY OWNER CERTIFICATION

IF YOU ARE NOT THE PROPERTY OWNER, YOU MUST HAVE THE PROPERTY OWNER PROVIDE A NOTARIZED SIGNATURE, BELOW, OR PROVIDE A NOTARIZED LETTER OF AUTHORIZATION OR NOTARIZED POWER OF ATTORNEY AUTHORIZING YOU TO ACT ON THEIR BEHALF.

Printed Name Tonya Cole Signature Tonya Cole Date 7/16/26

Notary for Property Owner:

Notary Stamp

Subscribed and sworn before me, this ___ day of _____, 20__.

A Notary Public in and for _____ County, Michigan.

Notary Name (Print): _____

Notary Signature: _____

My Commission Expires: _____

STAFF USE ONLY

[DO NOT ACCEPT INCOMPLETE APPLICATIONS]

FILING FEE (\$750): \$750SPECIAL LAND USE NO.: PSP # 26-06DATE APPLICATION RECEIVED: 7/16/26RECEIVED BY: MDLAug. 17 PC

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
P.O. BOX 30670
LANSING, MI 48909

STATE OF MICHIGAN - DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF MASSAGE THERAPY
MASSAGE THERAPIST LICENSE

TONYA LYNN COLE

TONYA LYNN COLE
26126 GROVELAND ST
MADISON HEIGHTS, MI 48071

LICENSE NO.	EXPIRATION DATE
7501010351	06/19/2028 25223190843

COMPLAINT INFORMATION:
THE ISSUANCE OF THIS LICENSE SHOULD NOT BE CONSTRUED
AS A WAIVER, DISMISSAL OR ACQUIESCENCE TO ANY
COMPLAINTS OR VIOLATIONS PENDING AGAINST THE LICENSEE,
ITS AGENTS OR EMPLOYEES.

FUTURE CONTACTS:
YOU SHOULD DIRECT INQUIRIES REGARDING THIS LICENSE OR
ADDRESS CHANGES TO THE DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS BY EMAILING BPLHELP@MICHIGAN.GOV
OR CALL (517) 241-0199

YOUR LICENSE MUST BE DISPLAYED IN A PROMINENT PLACE.

GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BOARD OF MASSAGE THERAPY
MASSAGE THERAPIST LICENSE



TONYA LYNN COLE

LICENSE NO.
7501010351

EXPIRATION DATE
06/19/2028

25223190843

THIS DOCUMENT IS DULY
ISSUED UNDER THE LAWS OF
THE STATE OF MICHIGAN

BODYWORK INSURANCE POLICY**ACTIVE - RENEWAL****Bodywork Insurance Policy****S0220GL00000300-BBI616274**

09/14/2025 - 09/14/2026 (12 months)

Policy expires at 12:01 a.m. local time,
at the address stated in the
application.

Retroactive date: 09/14/2020



Member Home



Member
Benefit

[Complete Your Profile](#)

Get Found. Get Booked. Get Growing.

Your profile on the **ABMPmembers.com** referral directory puts you in front of clients actively searching for a massage therapist.

Welcome, Tonya!

Member ID #1116238

Thank you for recently renewing your ABMP membership!

Here you will find a variety of tools to support you in a fulfilling career. Check out the menus, and if you have any questions, please [contact us](#)! **Your Professional membership is valid through 07/13/2027.**

Confirmation needed! Looks like we don't have your state license expiration date on file. [Update it now, or confirm you are exempt from licensing](#), to ensure your membership and liability insurance are valid.

ABMP supports the Interstate Massage Compact (IMpact) and feels it is a positive and progressive step towards supporting massage therapists in both their lives and practices. Learn more about the IMpact [here](#).

Project Narrative and Review Standards Response Form

Full Body Treat - Special Land Use application

PROJECT NARRATIVE

Major Home Occupation – Licensed Massage Therapy

Business Name: Full Body Treat

Property Address: 26126 Groveland Street, Madison Heights, MI 48071

Zoning District: R-3 (One-Family Residential)

Applicant / Property Owner: Tonya Cole (State of Michigan Licensed Massage Therapist)

Prepared by: Martino Thomas, Summit Union Real Estate (Consultant)

Date: July 15, 2026

Introduction and Purpose

Tonya Cole, a fully licensed and insured massage therapist under the State of Michigan (P.A. 471 of 2008), proposes to operate her professional massage therapy business, **Full Body Treat**, as a **Major Home Occupation** within an existing detached accessory structure (shed) located in the rear yard of her single-family residence.

This request is made pursuant to **Section 7.03(18)** of the Madison Heights Zoning Ordinance, which expressly permits Major Home Occupations in the R-3 district as accessory uses subject to Special Land Use approval. The use is low-impact, entirely indoor, appointment-only, and designed to maintain the residential character of the property and surrounding neighborhood while allowing the applicant to conduct her licensed profession from home.

Description of the Proposed Use and Location

The business will provide therapeutic massage services exclusively within the **existing rear-yard shed**. No new construction, building additions, exterior modifications, or site alterations are proposed. The shed will serve as a private, professional treatment space.

Clients will access the shed via the existing residential driveway and a side/rear yard path. The use will be completely screened from the public street and primary views of neighboring properties. The property will continue to function and appear as a single-family residence at all times.

Services and Products Provided

Full Body Treat offers professional, therapeutic full-body massage services, including a variety of massage techniques for relaxation, pain relief, and wellness. All services are provided by the licensed owner only.

Retail sales will be strictly incidental and accessory to the massage services (e.g., small quantities of massage oils or lotions used during sessions). No general retail, product sales, or unrelated merchandise will be offered.

Activities Inside and Outside the Building

- **Inside the shed:** All massage therapy sessions will be conducted indoors in a clean, private, and professional setting. The space will be furnished with a professional massage table, linens, and standard supplies. Sessions are one-on-one and client-focused.
- **Outside the building:** There will be **no outdoor massage services**, no outdoor storage of equipment or supplies, and no outdoor activities related to the business. Clients will simply walk from their vehicle on the driveway to the shed entrance. The rear yard will remain a typical residential space.

Types of Equipment to Be Used

Equipment will be limited to standard professional massage therapy items:

- Professional portable or stationary massage table
- Linens, towels, and bolsters
- Massage oils, lotions, and creams (used during sessions only)
- Small, quiet electromechanical devices that mimic hand techniques (as permitted under the City's definition of massage therapy)

- Basic sanitation and hygiene supplies

No industrial machinery, high-noise equipment, generators, or equipment producing smoke, fumes, glare, vibration, or odors will be used. All equipment complies with the “no non-residential machinery” requirement of Section 7.03(18).

Hours of Operation and Appointment System

- **Hours:** Business-related visits, client arrivals/departures, and any deliveries will occur only between **8:00 a.m. and 8:00 p.m.**, seven days a week (per Section 7.03(18)(C)(8)).
- **Appointment-only model:** All services are strictly by appointment. There will be no walk-in clients. The owner schedules clients to ensure a maximum of **one client at a time** on the property.
- Typical daily volume is low (estimated 4–8 clients per day at peak), resulting in minimal activity.

Number of Employees

The business will be operated solely by the property owner, Tonya Cole. There will be **zero non-resident employees**. This is well within the allowance of up to two non-resident employees under Section 7.03(18).

Vehicular Traffic and Parking

Traffic impact will be minimal and fully accommodated on-site:

- Clients will park on the **existing residential driveway** (sufficient space for 1–2 client vehicles in addition to the owner’s vehicle).
- No on-street parking will be used or relied upon.
- No commercial vehicles or frequent deliveries are expected.
- The appointment-only system and one-client-at-a-time policy ensure traffic generation remains very low and does not create congestion or safety issues on Groveland Street or adjacent roads.
- Ingress/egress will use the single existing driveway with no new curb cuts or access points.

Compliance with Zoning Standards and Mitigation Measures

This proposal fully complies with all Major Home Occupation standards in **Section 7.03(18)**, including:

- Operations limited to the existing detached accessory building
- No nuisances (noise, odors, glare, etc.)
- No visible exterior evidence of the business (no signage, no displays)
- Floor area of the use is well under the 35% limit of the dwelling's gross floor area
- Hours restricted to 8:00 a.m.–8:00 p.m.
- Parking provided on-site

The use is also consistent with the review standards in **Section 15.05** (public health/safety/welfare, compatibility with neighborhood and Master Plan, minimal traffic impact, and consistency with R-3 district intent). The R-3 district is designed for one-family dwellings and compatible residentially related accessory uses. This low-impact professional service supports that purpose without altering the residential character of the property or neighborhood.

Conclusion

Full Body Treat represents a classic, low-impact Major Home Occupation that allows a licensed local professional to serve clients from her own property while fully protecting the residential quality of the surrounding R-3 neighborhood. The business will operate quietly, professionally, and invisibly from the street, with all activity contained indoors in an existing structure and all impacts minimized through appointment-only scheduling and on-site parking. We respectfully request approval of this Special Land Use application. The applicant is prepared to accept reasonable conditions of approval, including incorporation of the Section 7.03(18) standards and any site-specific conditions the Planning Commission and City Council deem appropriate.

REVIEW STANDARDS RESPONSE FORM

A. Describe how the proposed use will be designed, located, and operated in a way that protects the public health, safety and welfare.

The proposed Major Home Occupation – Licensed Massage Therapy will be designed, located, and operated to fully protect public health, safety, and welfare. The use will be conducted exclusively indoors by the property owner, a State of Michigan licensed and insured massage therapist, within the existing detached accessory structure (shed) located in the rear yard of the single-family residence. All client sessions will be by appointment only, with a maximum of one client at a time to ensure privacy, controlled access, and minimal activity on site.

The therapist will maintain strict adherence to Michigan licensing requirements (including hygiene, sanitation, client consent, and professional standards under P.A. 471 of 2008), with no hazardous materials, chemicals, or equipment that could pose health or safety risks. No outdoor activities, storage, or displays are proposed. Operations will be limited to standard daytime/evening hours (8:00 a.m.–8:00 p.m.), consistent with Section 7.03(18). The property will retain its full residential character with no exterior alterations, ensuring the use poses no risk to neighboring properties or the general public.

B. Describe how the use will be designed in a way that considers the natural environment and helps conserve natural resources and energy.

The proposed use is designed to minimize any impact on the natural environment and to conserve natural resources and energy. All operations will occur within the **existing accessory structure** with no new construction, expansion, site grading, tree removal, or alteration of landscaping or natural features. The use relies entirely on the property's existing utilities, infrastructure, and building envelope, avoiding any additional demand on resources.

Energy consumption will be limited to standard residential-level heating, lighting, and equipment within the enclosed space—comparable to or less than typical household use—and no high-energy or outdoor operations are proposed. The appointment-only model further reduces vehicle trips and associated emissions. This approach fully conserves natural resources and energy while maintaining the residential character of the site.

C. Will the Special Land Use involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any

person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. If so, describe in detail.

No. The Special Land Use will **not** involve any uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

All massage therapy sessions will be conducted quietly and privately indoors within the existing rear-yard accessory structure. There will be no machinery or equipment producing noise, vibration, smoke, fumes, glare, or odors beyond normal residential levels. Client traffic will be minimal and strictly by appointment only (estimated low volume with one client at a time), with all parking accommodated on the existing residential driveway. No outdoor storage, displays, or activities are proposed. The use fully complies with Section 7.03(18) standards, which prohibit nuisances and non-residential machinery. The operation will be virtually undetectable from adjacent properties or the street.

D. Describe how the proposed land use will be designed and located so that it is compatible with surrounding properties, neighborhood, and vicinity. At a minimum, this shall include: 1) Location of use(s) on site; 2) Height of all improvements and structures; 3) Adjacent conforming land uses; 4) Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission; and 5) Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.

The proposed use is designed and located to be highly compatible with surrounding properties, the neighborhood, and vicinity:

1. **Location of use(s) on site:** All operations will be fully contained within the existing detached accessory structure (shed) in the rear yard, screened from the street and primary views of adjacent homes.
2. **Height of all improvements and structures:** No modifications to any structures are proposed. The accessory building will retain its existing height and residential scale, consistent with typical R-3 accessory structures.
3. **Adjacent conforming land uses:** The surrounding properties are single-family residences in the R-3 One-Family Residential District. The low-impact, indoor home occupation is fully compatible with these residential uses and will not alter neighborhood character.

4. **Conformance with the Master Plan and future land use map:** The property lies in an area designated for single-family residential use on the City's Master Plan and future land use map. The proposed accessory home occupation supports and maintains the residential character of the area.
5. **Compatibility with permitted principal uses and district intent:** The R-3 district is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan. Major Home Occupations are expressly permitted in R-3 as accessory uses (Section 3.06 and Section 7.03(18)) subject to Special Land Use approval. The use preserves the primary residential function of the property, involves no exterior changes or nuisances, and is consistent with the district's intent.

E. Describe how ingress/egress to the use will be controlled to assure maximum vehicular, pedestrian and non-motorized safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to: 1. Reduction in the number of ingress/egress points... [etc.]

Ingress and egress will be controlled through the property's **existing single-family residential driveway**, with **no new curb cuts, drives, or modifications** proposed. This ensures:

1. **Reduction in ingress/egress points:** The site utilizes its single existing driveway access point; no additional points are needed or proposed.
2. **Proximity and relation to intersections:** The existing driveway is located on a standard residential street with appropriate distance from intersections, consistent with neighborhood development patterns.
3. **Reduction/elimination of pedestrian/vehicular traffic conflicts:** Clients will park on the existing driveway and access the rear structure via the side/rear yard; no conflicts with street traffic or pedestrians are anticipated.
4. **Adequacy of sight distances:** The existing residential driveway provides clear, adequate sight lines typical of the R-3 neighborhood.
5. **Location and access of off-street parking:** Sufficient off-street parking exists on the existing driveway to accommodate client vehicles (typically 1–2 spaces) in addition to residential needs, with no reliance on on-street parking.
6. **Location and/or potential use of service drives:** Not applicable or needed, as this is a single-parcel residential property with no requirement for shared access.

The appointment-only model results in very low additional traffic volume with negligible impact on adjacent roads or uses.

F. Describe how the proposed use will be consistent with the intent and purpose of the zoning district in which it is proposed.

The proposed use is fully consistent with the intent and purpose of the **R-3 One-Family Residential District**, which is designed to provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.

The Major Home Occupation for licensed massage therapy is expressly permitted in the R-3 district as an accessory use under Section 3.06 and Section 7.03(18) of the Zoning Ordinance, subject to Special Land Use approval. By operating entirely within an existing structure, by appointment only, during permitted hours (8:00 a.m.–8:00 p.m.), with no exterior modifications, signage, displays, or nuisances, and in full compliance with all use-specific standards (including parking, impact mitigation, and floor-area limits), the use maintains the primary residential character and function of the property. It supports the district's purpose by allowing residents to conduct compatible professional services from home in a controlled, low-impact manner that does not detract from the surrounding residential neighborhood.

Private 4 car Driveway

Property

Shed

Item 8.



Zoning: R-3
Property ID: 2524152003
Parking Spaces: 2 in the driveway
Structure size: 10ft x 10ft shed





PC 26-28. Special Land Use PSP 26-05 - 30159 Brush St. - Major Home Occupation (Dog Boarding)

MOTION MADE BY COMMISSIONER MARSH, SECONDED BY COMMISSIONER OLSON THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-05 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A DOG BOARDING BUSINESS AT 30159 BRUSH STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a dog boarding Major Home Occupation at 30159 Brush Street.
2. The Planning Commission held a public hearing for PSP 26-05 at their August 25th, 2026 special meeting.
3. The proposed dog boarding Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The use is not designed, located and proposed to be operated in a way that protects the public health, safety and welfare.
 - b. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, the neighborhood, or the general welfare of the neighbors and noise in the general area.
 - c. The use is incompatible with the surrounding neighborhood.
4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.

Voting Yea: Mayor Haines, Commissioner Fleming, Commissioner Marsh, Commissioner Oglesby, Commissioner Olson

Voting Nay: Chair Champagne, Commissioner Fox

Motion carries 5-2.

Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

Conflict of Interest Recusal: Commissioner Cliff Oglesby declared a conflict of interest because he resides directly adjacent to the subject property. Commissioner Oglesby recused himself and left the room at 6:00 p.m.

City Planner Lonnerstater introduced the request for Special Land Use approval submitted by Tonya Cole (represented by Martino Tomas) to operate a major home occupation for a licensed massage therapy business within a detached accessory shed in the rear yard of 26126 Groveland Street. The property features a single-family home with a detached garage and is zoned R-3 Single-Family Residential.

Per the applicant's application, the massage therapy services would be conducted on a one-on-one, appointment-only basis inside the detached shed. Proposed hours of operation were 8:00 a.m. to 9:00 p.m., with 4 to 8 clients per day, parking on the driveway, and one employee (the applicant). Because the business involves routine client visits and operates out of an accessory structure, staff classified it as a Major Home Occupation.

Planner Lonnerstater reported an extensive code enforcement and violation history on the property as detailed in the packet. He also clarified the requirements under the Zoning Ordinance, "licensed massage therapists" as opposed to Unlicensed massage therapists. Ms. Cole provided the required state license and American Bodywork and Massage Professionals Association membership.

Chair Champagne opened the floor for public comment at 6:15 p.m.

Letters Read into the Record: City Clerk Daley read written correspondences received in opposition to the application from the following who requested them to be read aloud:

Shari Macleod
Kim Derocher
Wendell Smith

It was also noted that additional letters of opposition were printed and provided to the Commission from: Mr. & Mrs. Barrett, Mr. Elliot Bedell, and an anonymous resident. Letters are attached to the minutes.

Seeing no further speakers, Chair Champagne closed the public comment portion at 6:35 p.m.

Chair Champagne invited the applicant, Tonya Cole, to the podium to address the Planning Commission. Speaking on her behalf was Martino Tomas. He spoke favorably on the applicant and highlighted her licensing.

Discussion continued surrounding the zoning and permitting history of this property.

Assistant City Attorney Burns reported on the legal and prosecution history involving the applicant. He advised the Commission that they are legally permitted to consider an applicant's past actions and record of compliance when evaluating their credibility to follow Special Land Use conditions.

PC 26-29. Special Land Use PSP 26-06 - 26126 Groveland St. - Major Home Occupation (Licensed Massage Therapy)

MOTION MADE BY MAYOR HAINES, SECONDED BY COMMISSIONER FOX THAT, FOLLOWING THE REQUIRED PUBLIC HEARING, THE PLANNING COMMISSION HEREBY RECOMMENDS THAT CITY COUNCIL DENY SPECIAL LAND USE REQUEST NUMBER PSP 26-06 FOR A MAJOR HOME OCCUPATION IN THE FORM OF A LICENSED MASSAGE THERAPY BUSINESS AT 26126 GROVELAND STREET BASED UPON THE FOLLOWING FINDINGS:

1. The applicant requests Special Land Use approval for a massage therapy Major Home Occupation at 26126 Groveland Street.
2. The Planning Commission held a public hearing for PSP 26-06 at their August 25th, 2026 special meeting.
3. The proposed massage therapy Major Home Occupation use is not consistent with the Special Land Use review standards and criteria set forth in Section 15.05.3. In particular:
 - a. The Special Land Use will involve uses, activities, processes, materials, and equipment or conditions of operation that are inconsistent with the ordinances.
 - b. The use is incompatible with the surrounding properties, neighborhood, and vicinity in the following manners:
 - i. Conformance with the Master Plan and future land use map for the area as adopted by the Planning Commission;

- ii. Compatibility with the permitted principal uses allowed in the zoning district where the Special Land Use is requested, and consistency with the intent of the zoning district.
- 4. The use is not consistent with the intent and purpose of the R-3 zoning district in which it is proposed.
- 5. The use does not satisfy the use-specific standards for Major Home Occupations as contained in Section 7.03.18 of the Zoning Ordinance
 - a. It is not located within the principal dwelling.
 - b. There would be a negative impact on surrounding residential properties.

Voting Yea: Chair Champagne, Mayor Haines, Commissioner Fleming, Commissioner Fox, Commissioner Marsh, Commissioner Olson

Abstaining: Commissioner Oglesby
Motion carries.

MEMBER UPDATES:

Commissioner Fox commended Council's actions at their last meeting regarding the Data Center moratorium.

PLANNER UPDATES:

Planner Lonnerstater updated the Planning Commission on the one-year data center moratorium. This will allow Staff one year to research and draft a zoning amendment.

ADJOURNMENT:

Chair Champagne adjourned the meeting at 6:50 p.m.



Outlook

Fwd: regarding case #PSP 26-06- 26126 Groveland st (Tonya Cole)

From SHARI MACLEOD <sharimacleod@wowway.com>**Date** Wed 8/12/2026 7:13 PM**To** Matt Lonnerstater <MLonnerstater@madisonheightsmi.gov>

From: SHARI MACLEOD <sharimacleod@wowway.com>
To: MLonnerstater <MLonnerstater@madisonheightsmi.gov>
Date: Wednesday, 12 August 2026 7:10 PM EDT
Subject: regarding case #PSP 26-06- 26126 Groveland st (Tonya Cole)

Good evening City council members

I'm forwarding this email to make my comment regarding a business license for the address of 26126 Groveland St

I have lived at my address 26105 Groveland St for 23 years, . I love my neighbor hood but

I DO NOT WANT THIS KIND OF BUSINESS ON MY STREET THAT IS LIKE HAVING A POT PLACE BY A SCHOOL.

There has already been a lot of traffic at the address of 26126 home owner Tonya Cole , does not matter if it is morning afternoon evening and late night evenings, and when I say late I mean really late hours some times this has been going on for months now. And one of her clients showed up the wrong house on our street.

Now we have to worry about strange people showing up at our doors for a service she offers this is unacceptable!!!!!!

I don't think it would be a good idea to have this kind of business in our neighborhood, A business like this should not be in a residential neighborhood were we have seniors and young kids on this street.

A business like this needs to be in commercial building not a residential neighborhood.

-



Public Comment Regarding Tonya Cole's Special Land Use Permit Request

From km1718@comcast.net <km1718@comcast.net>

Date Thu 8/20/2026 11:18 PM

To Matt Lonnerstater <MattLonnerstater@madison-heights.org>; Corey K. Haines <CKHaines@madison-heights.org>

Dear Members of the Planning Commission:

My name is Kim DeRocher, and I am a neighboring resident directly affected by the proposed special land use request for Tonya Cole's property.

I am unable to attend the meeting in person, but I respectfully request that this letter be **read aloud during the public hearing and entered into the official meeting record**. My husband, Zack DeRocher, will be attending the meeting on our behalf.

I am asking the Planning Commission to carefully consider the history and circumstances surrounding this property before making any decision to approve a special land use permit.

Our concerns are not based on a disagreement between neighbors or on speculation. They arise from the ongoing activity associated with the property, the documented involvement of city departments and law enforcement, and the impact that this activity has had on our residential neighborhood and our family.

The property is located in a residential area where neighboring residents should reasonably expect a safe, peaceful, and private environment. Over time, we have observed activity at the property that has raised significant concerns regarding the nature and intensity of the proposed use, including recurring customer traffic, activity occurring during evening and nighttime hours, and individuals arriving at the property for advertised services.

We have also previously brought concerns to the attention of the City regarding business activity, construction and permitting issues, and other activity occurring at the property. Code enforcement has been involved, including the posting of a stop-work notice related to construction activity. There have also been circumstances requiring law-enforcement involvement.

Another significant concern is privacy. Multiple exterior cameras have been installed at the property, including cameras that have appeared to be directed toward areas of our property and our home. This has caused our family to take additional steps simply to maintain privacy in our own backyard and home.

Our family has also experienced situations in which individuals associated with activity at the property have come to or near our residence. These incidents have required us to contact law enforcement. Regardless of the ultimate determination regarding the nature of the business, I believe these circumstances are relevant when evaluating whether the proposed use is compatible with the surrounding residential neighborhood.

I respectfully ask the Planning Commission to consider whether granting a special land use permit would increase or legitimize an intensity of commercial activity that is incompatible with the character of this residential area.

I also ask that the Commission consider not only the proposed use as described in the application, but the **actual history and circumstances of the property**, including prior code-enforcement matters, construction activity, customer traffic, privacy concerns, and the documented impact on neighboring residents.

A special land use approval is not simply a benefit to the property owner. It has the potential to affect every surrounding property owner for years to come. Once granted, the consequences of that approval will be experienced by the neighboring residents who live immediately adjacent to the property.

Our family should not have to continually monitor activity, document customer visits, contact city officials, involve law enforcement, or take measures to protect the privacy of our home simply because a commercial operation is being conducted next door.

I respectfully request that the Planning Commission **deny the special land use request**, or, at a minimum, thoroughly evaluate all of the documented history and potential impacts on the surrounding residential neighborhood before granting any approval.

I further respectfully request that this letter, along with the concerns expressed within it, be preserved as part of the official public record for this matter.

Thank you for your time and consideration.

Respectfully,

Kim DeRocher

Neighboring Resident

Madison Heights, Michigan

August 18, 2026

Planning Commission for the City of Madison Heights
City Council Chambers
300 W 13 Mile Rd.
Madison Heights MI 48071

To Whom it may Concern:

I am writing as a long-time resident of this city, having lived here for over sixty years. I wish to formally object to the application submitted by Tonya Cole for Case #PSP-26-06-26126, requesting approval to operate a massage therapy business within her home on Groveland Street for many reasons.

We live in a residential area, and allowing a commercial operation sets a precedent that could alter the character and stability of our community. Approving this request may encourage future commercial activity in an area not intended or zoned for such use, changing the landscape of our neighborhood.

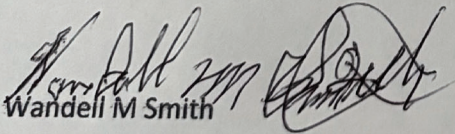
I also have concerns regarding the nature of the clientele frequently visiting the property. The presence of unfamiliar adult males entering and leaving a home in close proximity to young children raises legitimate safety concerns, including the potential for inappropriate behavior or exposure to situations that could put minors at risk, including kidnapping, sex trafficking, pedophilia, etc.

Additionally, there have been ongoing issues involving the applicant's interactions with neighbors, including verbal conflicts yelling profanities, inappropriate gestures, and disruptive behavior in front of these children. There has also been questionable activity with her neighbor's home that is currently empty, where her hired help was burying cable/wire in the yard of said empty home. Also there are incidents involving her pets (2 cats) roaming freely through neighboring yards and garages, creating further disturbance.

It is my understanding that Ms. Cole has previously been cited for operating this business without a license, and that law enforcement has already conducted visits to investigate potential illegal activity.

For these reasons, I respectfully request that the city deny this application.

Thank you for your consideration.


Wandell M Smith



Outlook

Special land request

From Collette LeClair <onthepointhomeinspections@gmail.com>

Date Mon 8/24/2026 8:00 PM

To Matt Lonnerstater <MLonnerstater@madisonheightsmi.gov>

This is to let you know that we oppose both Special PSP 26- Land Use requests: PSA 26-05 at 30159 Brush St and PSP 26-06 26126 Groveland St.

There are reasons why these are zoned residential and not commercial. We do not need barking dogs and strangers coming and going on residential streets. It is bad enough that the city has allowed AirBnBs on residential streets; we do not need any more.

If these people want a business, fine, rent a place that is zoned commercial and keep the traffic and strangers there and away from our children.

M. Deltar



Virus-free. www.avast.com

Thomas and Linda Barrett
26055 Groveland St
Madison Heights. Mi 48071

Notice of Public Hearing Case #PSP26-06-26126 Groveland St

Planning Commission for the City of Madison Heights:

My husband and I are very much opposed to Tonya Cole, request of Special Land Use to operate a Major Home Occupation (Massage Therapy) at her residence at 26126 Groveland Street (tax map #44-25-24-152-003). This property is zoned R-3, One Family Residence. It should remain that way.

The good news for Ms. Cole is that Madison Heights has a DDA zone. One of the functions is providing grants, loans and marketing programs to attract and retain small businesses. These businesses are in commercial zones. We are sure, if this is in fact, a legitimate business, she should have no problems finding a vacant building. Her private residence is not the place. It would be a nuisance to the neighborhood, excessive traffic, neighbors being disturbed at all hours of the day.

Zoning Ordinance are created for specific reasons. They should be followed!

Respectfully,

Thomas and Linda Barrett

August 24, 2026

Planning Commission of Madison Heights/City Council/Board of Zoning Appeals

300 W. 13 Mile Road, Madison Heights, MI 48071

Re: Formal Opposition to Proposed Rezoning / Special Use Permit for Home-Base Massage Therapy Business / Case #PSP 26-06-26126 Groveland St.

Dear Members of the Board,

Please accept this letter as our formal written statement of opposition to the proposed rezoning request and home occupation permit for operating a commercial massage therapy business at 26126 Groveland, Madison Heights, MI 48071

As a property owner, We have serious concerns regarding the potential impact this commercial activity will have on the character, safety, and liveability of our Single-Family Residential neighbor.

Our principal objections on the following issues:

Increased Traffic and Parking Congestion: A client-based business naturally introduces continuous vehicle arrivals and departures throughout the day. Increased vehicle volume creates safety hazards for pedestrians, children, and pet walkers, while client street parking disrupts neighborhood access and sightlines.

Preservations of Residential Character: Single-family zones are established to maintain a quiet, predictable, and residential atmosphere.

Neighborhood Safety and Privacy: A steady flow of unknown clients entering and leaving the neighborhood introduces security and privacy concerns for surrounding families, altering the private nature of our street.

Property Values: Commercializing single family resident blocks can negatively impact surrounding property values and deter prospective home buyers who specifically seek dedicated residential neighborhoods.

While I fully respect small business ownership, commercial operations that serve clients on-site belong in designed commercial or business zones- not embedded within quiet residential neighborhoods.

I respectfully request that the Planning commission uphold our existing zoning standards and deny this application. Thank you for your time, consideration, and dedication to protecting our community's residential integrity.

[REDACTED]

[REDACTED]

Please block off our names, address, and phone number



Files and document.

From Elliot <elliott.bedell@gmail.com>

Date Tue 8/25/2026 9:54 AM

To Matt Lonnerstater <MattLonnerstater@madison-heights.org>

I took the liberty of asking AI to review your packet and subsequently this video. It extrapolated that many of these shots were taken on site during the time that she was being ticketed and told not to operate at that location. The offenses should probably be verified by someone in your office.

These screenshots provide powerful, timestamped, direct evidence created by the applicant that completely refutes her official narrative on multiple key zoning standards.

Critical Evidentiary Findings from the Screenshots

Direct Violation of Permitted Hours (Standard 8 & Staff Condition 2):

The Standard: Section 7.03.18(C)(8) mandates client visits end by 8:00 PM; staff recommended 6:00 PM.

Her Public Record:

01:31 / 01:35: Video timestamped 11:27 PM actively conducting a session in the illuminated shed.

02:04: Post advertising "SPOTS OPEN UNTIL 11PM TONIGHT."

02:09: Video showing active session with a giant clock overlay: 10:04 PM in red mood lighting.

02:13 / 02:14: Post advertising "I HAVE 8, 9, 11PM SLOTS OPEN."

Significance: Proves the late-night traffic complaints from neighbors (like Shari MacLeod and Kim DeRocher) are 100% accurate and routine.

.

Violation of "Entirely Enclosed / Indoor" Claim (Standard 4 & Standard 1):

The Claim: Her project narrative explicitly promises all services occur strictly indoors behind closed doors with zero impact on neighbors.

Her Public Record:

01:11–01:27: Multiple videos showing full massage sessions occurring with the French doors wide open to the backyard, directly visible across the residential lawn.

Significance: Defeats her claim that activity is invisible/contained within an enclosed accessory building.

.

Proof of Continued Commercial Operation During 2023 Enforcement:

The City Record: Shows a ticket in May 2023.

Her Public Record:

01:01–01:06: Documents dated May 2023 showing over \$14,000 to \$16,700 in monthly revenue.

01:44–02:19: Active commercial sessions throughout June, July, and August 2023 inside the shed.

Significance: Proves she did not cease operations after the city ticketed her in May 2023.

.

Multi-Discipline Esthetician/Nail/Medical Services (Instagram Bio):

Her profile bio explicitly lists: "Licensed massage therapist. Licensed medical esthetician. Licensed medical nail technician" and advertises a link to fullbodytreat.me.

Significance: Corroborates that the scope of operations goes well beyond a simple one-on-one massage room into a full multi-service personal spa.

How to Deploy This at the Meeting

Do not get into the sexually suggestive imagery or Telegram handles during public comment—doing so risks letting the applicant or Commission dismiss your points as "moral outrage" or personal attacks.

Instead, use her posts strictly as hard proof of operating hours and open-door operations:

"The application promises quiet, enclosed operations ending by 8:00 PM. Yet the applicant's own public social media posts directly advertising this location show sessions operating at 10:00 PM and 11:30 PM, actively soliciting 11:00 PM appointments, and conducting sessions with the shed doors wide open to the yard. This isn't neighborhood speculation; it is the applicant's own public marketing record."

This turns her own social media into conclusive proof that the proposal fails Section 15.05.3 (neighborhood compatibility) and Section 7.03.18 (operating hours and nuisance mitigation).



1000005360.mp4

My intended presentation

Before I begin, I'm providing the clerk with a written copy of my remarks and the supporting public posts I'll reference tonight, and I respectfully ask that these materials be accepted into the record for PSP 26-06.

Good evening. My name is Elliot Bedell, and I live near 26126 Groveland.

I have nothing against massage therapy. After sitting through a Planning Commission meeting, I may need one myself.

You've already heard neighbors address traffic, privacy, safety, and clients arriving at neighboring homes. I want to focus on the city's own record and why I am asking you to recommend denial of PSP 26-06 to City Council — not postponement and not conditional approval.

The city planner describes this as an after-the-fact request.

This was not one misunderstanding.

A warning was issued in 2022. The operation stopped, then resumed in 2023. Another warning followed; continued operation was observed and a ticket issued. In 2026, a repeat violation resulted in another ticket and a court appearance before this application was submitted.

That is not speculation about future compliance. That is the documented history.

The zoning narrative was professionally prepared specifically to demonstrate compliance with city standards. That makes the accuracy of its representations especially important.

The application says there will be no visible exterior evidence — no signage or displays. Yet the city's own photographs on pages 54 and 55 show an OPEN sign.

It represents business-related visits between 8 a.m. and 8 p.m. But the applicant's own historical business posts show an 11:27 p.m. client session, "spots open until 11 p.m.," and another post offering 8, 9, and 11 p.m. appointments.

Those posts predate the current ordinance, so I am not claiming they violated today's Standard 8 at the time. They are relevant because you are now being asked to rely upon representations about future operating hours.

The business also advertises services beyond massage, including three-hour Jacuzzi rentals, raising legitimate questions about whether the actual operation matches the quiet, indoor, one-client-at-a-time practice described in this application.

Staff says only that a majority of the Major Home Occupation standards appear satisfied.

Standard 4 — negative impacts on surrounding residential property — is specifically flagged for your consideration.

Standard 9 prohibits signage, yet the city's photographs show signage.

And Standard 12 requires a Certificate of Occupancy, while multiple shed-related permits and an after-the-fact rat-wall inspection remain awaiting final approval.

Staff is recommending additional conditions, including one client at a time, reduced operating hours, and no outdoor business activity.

Finalizing permits later, removing a sign later, changing advertised hours later, or adding more conditions does not erase the documented history that brought this application here.

The issue is not whether this Commission can recommend enough conditions.

The issue is whether this record provides a reasonable basis to believe this applicant will follow them.

Conditions protect a residential neighborhood only when they are followed. The city's own record shows repeated enforcement has already been necessary.

For those reasons, I respectfully ask this Commission to recommend denial of PSP 26-06 to City Council.

And if City Council ultimately denies this application, I ask that the record be clear that unauthorized client-facing commercial activity at this property must cease and that continued operation will be enforced.

Thank you.



Fwd: Dave Whisnant

From Martino Thomas <martinothomasre@gmail.com>

Date Thu 8/27/2026 12:15 PM

To Matt Lonnerstater <Mlonnerstater@madisonheightsmi.gov>

**Best,
Martino Thomas**



Principal Broker
Summit Union Real Estate

586.718.6501

Martinothomasre@gmail.com

----- Forwarded message -----

From: **Tonya Cole** <tonyacole1004@gmail.com>

Date: Wed, Aug 26, 2026 at 10:15 AM

Subject: Dave Whisnant

To: Martino Thomas <martinothomasre@gmail.com>

To the City of Madison Heights and Members of the Appropriate Board or Commission:

My name is **Dave Whisnant**, and I have been a resident of Madison Heights for more than 30 years. I attended the meeting held on Tuesday, August 25, 2026, at 5:30 p.m. Over my many years living in this community, I have attended several city meetings, but I was genuinely disappointed by the tone and conduct displayed at this particular meeting.

I was especially disturbed by comments made about my neighbor, Tonya Cole, and by the characterization of her clients. My wife is one of Tonya's clients, and I strongly object to the offensive and unsupported suggestion that her clientele should be labeled as dangerous or inappropriate individuals.

In my opinion, the discussion became unnecessarily personal. The applause, congratulatory behavior, and public reactions following negative comments about Tonya did not reflect the level of

professionalism or respect that I believe should be expected during a public meeting. It appeared to me that longstanding personal conflicts between neighbors were being brought into a matter that should instead be evaluated fairly and objectively.

As a longtime resident of this neighborhood, I have seen Tonya contribute positively to the community in numerous ways. She has helped neighbors maintain their properties, including assisting with yard work when others were facing violations. She has helped neighbors during the winter, including clearing a driveway when someone was unable to leave for work. She has also rescued and assisted injured or sick animals on numerous occasions.

Tonya has invested time, effort, and resources into improving her home and continues to make improvements despite ongoing conflicts with certain neighbors. From my perspective, she has been a positive presence in our neighborhood and someone who has repeatedly demonstrated a willingness to help others.

I understand that Tonya has made mistakes in the past, and I am not suggesting that she should be excused from following the law or complying with City requirements. However, I believe it is equally important to recognize when someone is taking steps to correct past issues and work toward compliance. In my view, past mistakes should not permanently prevent a person from moving forward when they are making a genuine effort to do things properly.

I also believe that some residents may be reluctant to speak publicly because they are concerned about escalating existing neighborhood conflicts. However, I feel strongly that it is important for those of us who have had positive experiences with Tonya to speak up as well.

For more than 30 years, I have called Madison Heights home. Based on my personal observations and experience as Tonya Cole's neighbor, I respectfully ask the City to give her a fair and objective opportunity to operate her home-based business in compliance with all applicable rules and requirements.

I have full confidence in Tonya as my neighbor and in the people who visit her home as clients. My wife and I have not experienced any problems as a result of her business, and we do not believe it has negatively affected our neighborhood.

I respectfully ask that the City consider the voices of neighbors who support Tonya, as well as those who oppose her, and make its decision based on facts, fairness, and the applicable rules—not on personal conflicts or speculation.

Thank you for your time and consideration.

Respectfully and with my full support,

Dave Whisnant

Longtime Madison Heights Resident

To Whom It May Concern:

I am writing in support of Tonya Cole and to provide a statement regarding her character, as well as additional context regarding concerns raised during the recent Planning Commission hearing.

I have known Tonya for nearly my entire life. We met in kindergarten when we were approximately four years old, and more than 30 years later, she remains one of the people closest to me. At this point, calling Tonya a friend does not fully describe our relationship. She is family to me, and I consider her a sister.

Because I have known Tonya through nearly every stage of her life, I have had the opportunity to see her character demonstrated over decades, through both difficult circumstances and significant accomplishments. I would describe Tonya as strong, independent, determined, caring, generous, responsible, and deeply committed to helping others.

Tonya had to become independent at an age when most young people are still able to rely heavily on their families. I watched her navigate circumstances that required a level of maturity and resilience far beyond what most teenagers are expected to possess. Rather than allowing those experiences to define or limit her future, Tonya worked hard to create stability for herself and ultimately built a successful career doing something she genuinely cares about.

That determination is evident in her work as a licensed massage therapist. Following completion of her massage therapy program at Dorsey College, Tonya was invited to return as an instructor. Teaching has become another way for her to help people improve their lives. She takes a hands-on and practical approach with her students and recognizes that people learn differently and often come to school with very different circumstances, responsibilities, and challenges.

I have seen Tonya invest additional time and energy in students who need a different approach to succeed. If a student is struggling because of the way they learn or because their circumstances are unconventional, her instinct is not to write them off. She looks for ways to help them succeed. She believes strongly that people should be given opportunities to better themselves and, when she is in a position to help provide that opportunity, she does.

That belief in helping others extends well beyond her professional life. Tonya is one of the most dependable people I know. When someone she cares about needs help, she is the person who will rearrange her day, show up, and figure out what needs to be done. I have personally watched her give generously to friends in need, sometimes quite literally giving people clothing and other belongings of her own because someone else needed them more.

I have also witnessed the way Tonya treats people in her neighborhood. She has shoveled snow for elderly neighbors, picked up groceries for people who needed assistance, helped neighbors locate lost belongings, and stepped in to help with everyday needs simply because she was able to do so. She does these things without looking for recognition or expecting anything in return. That generosity is simply part of who Tonya is.

I also believe Tonya takes considerable pride in being a licensed massage therapist. She has invested years into developing her skills, maintaining her professional credentials, teaching others, and building relationships with her clients. Her career is not something she treats casually. Massage therapy has allowed her to create an independent life for herself while doing work centered around helping other people, which is very much consistent with the person I have always known her to be.

I understand that the City is considering issues involving Tonya's property and her request to operate her massage therapy practice from her home. I am not submitting this statement to dispute documented zoning or permitting matters, excuse mistakes that may have been made in navigating those requirements, or suggest that Tonya should be held to a different standard than any other resident or business owner. Those matters should be evaluated on their facts.

At the same time, I was deeply concerned by several of the public comments made during the Planning Commission hearing and believe additional context is important.

I fully understand and respect that neighboring residents have the right to express concerns regarding a proposed special land use. However, several comments went significantly beyond concerns regarding traffic, parking, hours of operation, or other traditional land-use considerations. Speakers made references to kidnapping, sex trafficking, pedophilia, inappropriate behavior, and the supposed nature of Tonya's clientele based, in part, on adult men being seen at her property.

Those are extraordinarily serious implications to make about a licensed professional without evidence connecting Tonya, her clients, or her massage therapy practice to such conduct. Tonya's profession should not, by itself, be treated as suspicious or inappropriate, nor should the presence of an adult male at a woman's home be treated as evidence of criminal or immoral activity.

I am also concerned about allegations that Tonya continued performing massage therapy from her home after she stopped operating there. I have direct knowledge that Tonya stopped performing massages from her residence and instead traveled to her clients to continue working. The fact that individuals continued to visit her home does not establish that those individuals were massage clients. Tonya is a homeowner who has friends, family members, and other personal guests like any other resident.

That distinction is especially important because I have personally witnessed the level of attention certain neighbors direct toward Tonya's property and the people who visit her. I have observed neighbors sitting outside watching guests arrive and depart, recording or documenting vehicle license plates, and yelling while Tonya's guests are present. I have personally experienced this behavior while visiting her home.

From my perspective, this goes well beyond an ordinary disagreement between neighbors and has created an intrusive environment in which Tonya, her guests, and activity at her home are closely monitored. While I understand that residents may document conduct they genuinely

believe violates a city ordinance, there is a meaningful difference between documenting a potential violation and repeatedly monitoring the personal visitors of a neighboring homeowner.

This pattern also concerns me because it creates the possibility that ordinary personal visits are being interpreted as business activity. If every person entering or leaving Tonya's home is presumed to be a massage client, the observation itself becomes the basis for an allegation, even when there may be no independent evidence that a massage or other business activity occurred.

I was particularly troubled by the extent to which speculation and highly prejudicial statements were able to become intertwined with legitimate zoning concerns during the public hearing. I recognize that a public hearing exists so residents can be heard, and I am not suggesting that anyone should have been prevented from speaking. My concern is that there should be a clear distinction between documented facts, firsthand observations, assumptions, hearsay, and speculation when those statements are considered as part of a governmental decision-making process.

There is a substantial difference between evaluating whether a home occupation creates excessive traffic, noise, parking concerns, late hours, or other measurable neighborhood impacts and allowing unsupported references to sex trafficking, pedophilia, kidnapping, or the perceived morality of a massage therapist's clientele to shape the way an applicant is viewed.

I hope that distinction is carefully considered as Tonya's application moves forward.

I also want to be clear that I am not suggesting Tonya has handled every aspect of this situation perfectly. Like anyone, she can make mistakes or misunderstand what is required of her. However, a mistake is not the totality of someone's character. Tonya is capable of accepting responsibility, correcting course, and moving forward when expectations and requirements are clearly established.

Professionally, I have spent my career working in Human Resources, where a significant part of my role involves evaluating conduct, accountability, performance, and how individuals respond when expectations are established or concerns arise. I understand the importance of compliance and accountability, particularly when someone holds a position of trust. I would not offer this statement lightly simply because Tonya is someone I love. My personal relationship with her gives me more than three decades of firsthand experience upon which to base what I am saying.

Throughout those decades, I have consistently known Tonya to be resilient, hardworking, generous, resourceful, and committed to improving both her own circumstances and the circumstances of people around her. She has built a successful life despite having to become self-sufficient far earlier than most people. She has turned her professional success into an opportunity to teach others. She is the person friends and neighbors know they can call when they need someone to show up.

I recognize that the City must make its decision based on the applicable requirements and the information properly before it. I respectfully ask, however, that Tonya be evaluated based on documented facts and her actual conduct, and that appropriate weight be given to the distinction between substantiated concerns and allegations arising from speculation, assumptions, or an ongoing conflict between neighbors.

I also ask that Tonya be viewed as the whole person I have known for more than 30 years: a hardworking professional, a devoted friend, a generous neighbor, an educator, and someone who has spent much of her life finding ways to help other people succeed.

I wholeheartedly support Tonya and respectfully ask that her longstanding character, professional accomplishments, commitment to helping others, and willingness to comply with clearly established requirements be taken into consideration.

Thank you for your time and consideration.

Sincerely,

Amber Parker, SHRM-CP

To Whom it may concern,

I met Tanya Cole several weeks ago when I had an injured cat on my front porch. She had seen him earlier when he almost got hit by a car. She then came back after I got home from work and introduced herself and asked me if she could take the cat to get him some medical help. She spent all evening calling different Emergency Vets to find one that had an opening to take him.

Since she didn't have any luck that evening she came back in the morning to get him with the idea that she would

take him to the Vet and wait all day
if necessary until the doctor could
see him. Unfortunately the Cat passed
away on my front Porch so she then
took him with her and gave him a
proper burial!

A person without good Character
would never go through all that to
help an injured animal.

I find her to be a dependable,
reliable, trustworthy Person!

Sincerely,
Christina Sullivan



Outlook

Letter in Support of Tonya Cole from her neighbor Mona

From Martino Thomas <martinothomasre@gmail.com>

Date Thu 8/27/2026 12:14 PM

To Matt Lonnerstater <Mlonnerstater@madisonheightsmi.gov>

Hello,

My name is Romona Whisnant and I own the home directly across the street from Tonya Cole. Back in 2021, I asked Tonya if she could work on my sciatic nerve that I have had continuous issues with for over 10 years. My pain was so severe that I was starting to think of ways to harm myself because I knew that I couldn't continue to live this way. No amount of shots or medications my doctors have given me were actually taking away my pain until I met Tonya.

Tonya gave me free massages until my pain was healed! I have even acted on her behalf as a demo for her students at Dorsey during Covid! I have NEVER had to go back to my doctor regarding my sciatica! I have had no issues with anyone coming to her home, whether it is clients or her family and friends.

A few things I would also like to address here as a long time resident of Madison height and as someone who has sat in on the 8/25/2026 meeting that took place at 5:30 pm.

- Every neighbor that has spoken against Tonya has, as they have already admitted to you on record, been harassing her for over 5 years.
- One of the men who spoke didn't live in our neighborhood and admitted he doesn't come down our street in fear for his kids life because her clients are all pedofiles. I am a client of hers and I am not, nor have I ever been a pedofile!
- One of the letters being read was written by a woman who I know for a fact has asked Tonya for services and she actually went to helped them set up cameras at their house and brought her mother a birthday gift.
- Another one of the guys who spoke about her doing massages late has been stalking her social media, harassing her and then coming down to her property with his unleashed dog as a scare tactic to get her to move which have resulting in police activity at his home.
- Zach and Kim DeRocher have had the police called to their home on multiple occasions for setting off illegal fireworks into the street and putting an hose through Tonya fence and dumping illegal substances into her yard amongst other things. I was also one of the many neighbors there when Tonya had to call the police department to come tresspass Kim and Zach DeRocher from her property because they are constantly entering her property while she's home or while she is gone. Zach and Kim had concerns about Tonya's cameras that she put up to counteract their cameras. Zach and Kim have also called the fire department and the code violations in resulting in Tonya digging up her own property to show proof that she did indeed have a foundation for her shed. Zach has continued to work on car engines out of his garage as well as grow marijuana out of his home that I have proof of along with my other

neighbors. Kim is violent, aggressive and ran out of her house to attack a delivery driver last September. Their kids set off fire crackers in the street, leaving the trash and ride their bikes on lawns

Item 8.

- Stoner, a long time resident complained about undercover cops sitting in front of her house that she, herself admitted, to calling to catch Tonya doing whatever. Stoner has a history of calling anonymous violations in on all her neighbors and has had her car set on fire in her own driveway by a previous neighbor because she would not leave him alone!
- I understand she has gotten previous violations for operation a business and was told to stop but just like my neighbors said "she received violations and fines" that were paid and taken care of per the city attorney. Holding that against her forever isn't very "progressive" of the city of Madison heights. That's our slogan right?

I would like to reiterate once again that I am a long time resident of Groveland st. In Madison heights and I know for a fact that my neighbors have been harassing Tonya as well as the previous home owner! Once again, I am a client of Tonya's, a neighbor and most importantly NOT a pedophile! Let her have her home business my husband and I have no issues with it.

(This is from her neighbor Mona)

Best,
Martino Thomas



Principal Broker
Summit Union Real Estate

586.718.6501

Martinothomasre@gmail.com

COURT REFERENCE LETTER

Carol Parker
9475 Rustic Circle
48386
(734) 637-1374

Date: August 25 2026

To Whom This May Concern,

My name is Carol Parker, and I am proud to offer my recommendation of Tonya cole. I have personally known Tonya cole for 30 years as my friend.

Throughout my relationship with Tonya cole, I have experienced a responsible and thoughtful individual who consistently strives to be a model member of the community. In addition, Tonya cole is a diligent worker, a devoted family person, and an individual of strong moral character and judgment.

I am thus confident in my belief that, moving forward, Tonya cole will continue to work toward the betterment of our community and seek to rectify any mistakes they may have made in the past. It is my sincere hope that the court will take this letter into consideration in its decision making.

Please do not hesitate to contact me if you should require any further information.

Sincerely,



Signature: _____ **Date:** August 25 2026

Printed: Carol Parker

To Whom It May Concern,

We are pleased to write this character reference on behalf of **Tonya Cole**, whom we have had the privilege of knowing for nearly **30 years**.

Throughout our longstanding friendship, Tonya has consistently demonstrated exceptional character, integrity, and professionalism. She is intelligent, thoughtful, compassionate, dependable, and genuinely caring in all of her interactions with others. Over the years, we have come to know her as someone who is honest, respectful, and always willing to support those around her.

In addition to being a dear friend, Tonya has provided massage therapy services for our children, who participate in competitive travel soccer. Our children always enjoy their visits with her and look forward to their appointments. Tonya has a remarkable ability to make them feel comfortable and cared for while providing effective treatment that helps them recover and perform at their best. She is patient, encouraging, and genuinely invested in their well-being, which is evident in the positive relationship she has built with them over the years.

Tonya's kindness extends beyond her professional work. Whenever she visits our home, she is incredibly sweet and affectionate with our pets, treating them with the same warmth and care that she shows to people. Her thoughtful nature is evident in both large and small interactions, and it is one of the many reasons she is so valued by our family.

What stands out most about Tonya is her genuine concern for others. She approaches every situation with warmth, professionalism, and a positive attitude. She has a natural ability to make people feel comfortable, respected, and appreciated. Whether interacting with friends, family, clients, children, or animals, she consistently demonstrates empathy, kindness, and strong moral character.

We wholeheartedly recommend Tonya and can attest to her outstanding reputation, unwavering integrity, and commitment to helping others. We are grateful to have known her for so many years and are confident that she will continue to make a positive impact on the lives of those around her.

Please feel free to contact us if any additional information is needed.

Sincerely,

Ashley Herrejon

Gilberto "Eddie" Herrejon

Ashleyherrejon1190@gmail.com

734-637-1377



AGENDA ITEM SUMMARY FORM

MEETING DATE: 09/14/2026

PREPARED BY: Assistant City Attorney

AGENDA ITEM CONTENT: Amendment to Settlement Agreement – Artic Fox, LLC d/b/a JARS Cannabis

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

The attached Amendment to Settlement Agreement between the City of Madison Heights and Artic Fox, LLC d/b/a JARS Cannabis modifies Section 4(g) of the existing January 22, 2024 Settlement Agreement. The Amendment provides for JARS Cannabis to make an annual \$5,000 contribution to the City, beginning in 2026, to be dedicated to the Police Department budget to support public safety within the community. The first payment is due before October 30, 2026, with subsequent annual payments due at the same time as JARS' annual licensing fees. All other terms and conditions of the original Settlement Agreement remain in effect.

RECOMMENDATION:

Staff recommends approval of the Amendment to Settlement Agreement and authorization for the City Manager to execute the agreement on behalf of the City.

**AMENDMENT TO SETTLEMENT AGREEMENT BETWEEN
ARTIC FOX, LLC v CITY OF MADISON HEIGHTS**

The Parties to the litigation Settlement Agreement dated January 22, 2024 (hereafter “Agreement”) between the City of Madison Heights (hereafter “City”), a Michigan Municipal Corporation, whose address is 300 West Thirteen Mile Road, Madison Heights, MI 48071 and Artic Fox, LLC d/b/a JARS Cannabis (hereafter “JARS”), a Michigan-registered Limited Liability Corporation, whose address is 33 Bloomfield Hills Parkway #100, Bloomfield Hills, MI 48304 mutually agree to the following amendments to the terms and conditions of such Agreement:

1. The original text of Section 4(g) shall be deleted in its entirety and replaced as follows:

Per an Amendment to this Agreement executed by the Parties on September 15, 2026, JARS shall make an annual contribution to City of \$5,000.00 that will be dedicated to the police department budget to support public safety within the community. The first \$5,000.00 contribution will be paid to City by JARS before October 30, 2026. Thereafter the above noted public safety contribution payment of \$5,000.00 beginning in 2027 will continue annually through the life of this Agreement payable by JARS to the City on the same date as JARS annual licensing fees are due to City.

2. The changes to the Agreement listed above shall take effect September 15, 2026.
3. This Amendment does not materially alter any of the content or requirements of the Agreement beyond the specific alterations reflected in Section 1 of this Amendment. If the content of Section 4(g) conflicts with other sections of this Agreement, the intent of this Amendment supersedes. Otherwise, all of the original terms and conditions of the original Agreement remain in full effect binding upon both parties.
4. Both Parties have had the opportunity for legal counsel to review this Amendment and mutually agree to such alterations to the original Agreements terms and conditions without threat or coercion.

ADDITIONAL PAGE TO FOLLOW WITH EXECUTING SIGNATURES

IN WITNESS WHEREOF, the Parties execute this Agreement effective September 15, 2026.

CITY OF MADISON HEIGHTS

/s/ _____

BY: Melissa Marsh

ITS: City Manager

STATE OF MICHIGAN)
) §
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me in Oakland County, Michigan this _____ day of _____, 2026 by

_____, Notary Public
State of Michigan, County of _____
My commission expires: _____

JARS

/s/ ✓

BY: Han. K9945

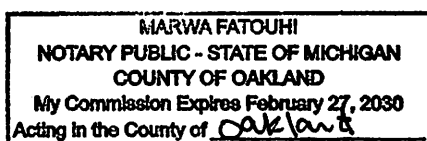
ITS: member

STATE OF MICHIGAN)
) §
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me in Oakland County, Michigan this 8th day of September, 2026 by

Marwa Fatohi

, Notary Public
State of Michigan, County of Oakland
My commission expires: Feb 27 2030





AGENDA ITEM SUMMARY FORM

MEETING DATE: 9/7/26

PREPARED BY: Fire Chief Lelito

AGENDA ITEM CONTENT: Large Diameter Fire Hose

AGENDA ITEM SECTION: Bid Awards/Purchases

BUDGETED AMOUNT: \$45,000

FUNDS REQUESTED: \$51,645.00

FUND: 101-336-982-0000

EXECUTIVE SUMMARY:

The FY 2026-27 fiscal year budget includes the purchase of a new Large Diameter Fire Hose. Memo included.

RECOMMENDATION:

Staff and I recommend that City Council award the Fire Department's LDH bid to the lowest qualified vendor, CSI Emergency Apparatus, in the amount of \$51,645.00

INTEROFFICE**MEMORANDUM**

To: Melissa Marsh, City Manager

From: Greg Lelito, Fire Chief

Re: Capital Purchase – Lager Diameter Hose

Date: 8/31/2026

Consistent with the City's Capital Improvement Plan, funds have been allocated in the FY 2026–2027 budget for the purchase of new large-diameter hose (LDH). The new hose will replace the Fire Department's entire existing LDH inventory.

The current inventory of LDH is more than 11 years old. NFPA 1962, Standard for the Care, Use, Inspection, Service Testing, and Replacement of Fire Hose, Couplings, Nozzles, and Fire Hose Appliances, recommends that fire departments give careful consideration to a 10-year maximum service life for all fire hose. LDH is a flexible hose used to transfer large volumes of water from a fire hydrant to a fire engine and is a critical component of fireground water-supply operations.

On August 4, 2026, a bid package was posted on BidNet Direct. On August 24, 2026, nine bids were received, and one was denied for failing to follow submittal guidelines. On the same day, eight bids from various hose vendors were opened. A review of the bid packages found that three contained exceptions to the required specifications, while the remaining bids indicated that all specifications were met.

The eight vendors submitted five different hose manufacturers for evaluation. Of the five manufacturers, only three met all required specifications, including two key requirements: hose weight and coupling design. Hose weight is a critical factor during fireground operations, as firefighters routinely lift, pull, and maneuver LDH by hand. A lighter hose reduces the physical demands placed on firefighters during deployment and retrieval.

The specification also required anodized hose couplings due to their increased resistance to corrosion and wear. Anodized couplings provide added protection from moisture, road salt, chemicals, and the harsh conditions encountered during fireground operations. This protection can extend the service life of the couplings and help ensure reliable connections during critical water-supply operations.

Staff and I recommend that City Council award the Fire Department's LDH bid to the lowest qualified vendor, CSI Emergency Apparatus, in the amount of \$51,645.00. CSI Emergency Apparatus is a trusted vendor with whom the City and Fire Department have worked successfully for several years.

If you should have any questions or comments, I would be happy to address them at your convenience.

City of Madison Heights

Bid Tabulation - MH 26-07 Fire Department Large Diameter Hose

Bid Opening: August 24, 2026 11:05am

No.	Status	Contractor	Location	Sealed Bid	Bid Info on Env	Specifications	Pricing Page	Company Information	Qualification Questionnaire	Non Collusion Affidavit	Total Bid
1		Dinges Partners Group LLC	Amboy, IL	x	x	x	x	x	x	x	\$79,363.25
2		Grand Rapids Rubber Products	Grand Rapids, MI	x	x	x	x	x	x	x	\$54,988.99
3		H.D. Edwards & Co	Detroit, MI	x	x	x	x	x	x	x	\$62,586.50
4		Heritage Fire Equipment	Columbus, OH	x	x	x	x	x	x	x	\$54,406.80
5	Does not meet all bid specifications.	Macqueen	Grand Ledge, MI	x	x	No	x	x	x	x	\$45,754.00
6	Does not meet all bid specifications.	W.S. Darely & Co.	Itasca, IL	x	x	No	x	x	x	x	\$42,225.90
7	Does not meet all bid specifications.	MES Service Company LLC	Sandy Hook, CT	x	x	No	x	x	x	x	\$47,526.25
8		CSI Emergency Apparatus, LLC	Grayling, MI	x	x	x	x	x	x	x	\$51,654.00
9	Nonresponsive - bid submitted by email; solicitation required hand delivery or mail.	Morgan Inland LLC	Morgan Hill, CA	No	No	x	x	x	Not Notarized	Not Notarized	\$54,307.80



AGENDA ITEM SUMMARY FORM

MEETING DATE: 09/14/26

PREPARED BY: Melissa Marsh, City Manager

AGENDA ITEM CONTENT: Ordinance 2213 - Amendment to Water and Sewer Ordinance for Rentals

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

The proposed ordinance amends Chapter 29 of the City Code concerning water and sewer services for rental properties. The amendment provides additional clarification regarding a property owner/lessor's responsibility for delinquent water and sewer charges when the requirements of Section 29-50.1(a)-(d) have not been met. The amendment also clarifies the City's ability to disconnect water and sewer service for non-payment and to assess a lien against the property for unpaid delinquent charges, including applicable interest and costs incurred by the City in recording the lien.

RECOMMENDATION:

Staff recommends that City Council adopt Ordinance No. 2214 on first reading and schedule the second reading on September 28.

ORDINANCE NO. 2213**CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN****AMENDMENT TO THE CODE OF ORDINANCES**

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 29, titled "Water Supply and Sewage Disposal Systems," Article II, titled "Water," Division 3, titled "Connection and Use," Section 29-50.1, titled "Lessors requirements to abate lien on property," by amending subsection (e) therein by providing further clarification as to a property owner/lessor's obligations to pay for water and sewer services provided to owner/lessor's tenant, and the penalties for violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS**SECTION 1. AMENDMENT.**

That Chapter 29, titled "Water Supply and Sewage Disposal Systems," Article II, titled "Water," Division 3, titled "Connection and Use," and Section 29-50.1, titled "Lessors requirements to abate lien on property," specifically being Section 29-25.1(e) is hereby amended in its entirety, to read as follows:

Sec. 29-50.1(e) is amended to read as follows:

If a property owner/lessor fails to comply with the requirements of section 29-50.1(a)-(d), any delinquency in the payment of water or sewer charges shall be the responsibility of the property owner/lessor. If a property owner/lessor complies with the requirements of section 29-50.1(a)-(d), the City shall disconnect water and sewer for non-payment and may apply the deposit to any delinquency in the payment of water or sewer charges. In either case, if the balance used to pay the delinquency is not replenished or the delinquent balance due is not paid, the property will not be in compliance with section 29-50.1(a)-(d) and the city may assess a lien against the subject property for the amount of the delinquency or balance due, plus impose a lawful rate of interest on the unpaid delinquency or balance due, and costs incurred by the city in recording the lien. The city may disconnect the water and sewer service for properties complying with section 29-50.1(a)-(d) for non-payment as a violation of section 29-48 of the code by being deemed a failure of all reasonable means of collection.

SECTION 2. REPEALER.

All remaining sections of Section 29-50.1, not otherwise modified herein, shall remain in full force and effect; provided, however, all other ordinances, or parts of ordinances, in conflict with this amendment are repealed only to the extent necessary to give this amendment full force and effect.

SECTION 3. SEVERABILITY

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance, in whole or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. INSPECTION.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 09/14/2026

PREPARED BY: Assistant City Attorney, Jeff Sherman

AGENDA ITEM CONTENT: Kratom Prohibition Ordinance - First Reading

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT: n/a

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

The proposed Kratom Prohibition Ordinance would amend Chapter 17 of the City Code to prohibit the possession, sale, manufacture, creation, delivery, and certain other activities involving kratom and kratom derivatives within the City of Madison Heights. The ordinance is intended to protect the public health, safety, and welfare and provides for criminal penalties and potential business license sanctions for violations.

The ordinance is presented to City Council for first reading on September 14, 2026. If approved, the second reading and consideration for adoption will take place on September 28, 2026.

RECOMMENDATION:

Staff recommends that City Council approve this Kratom Prohibition Ordinance on first reading and schedule the second reading for September 28, 2026.

ORDINANCE NO. 2214**CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN****AMENDMENT TO THE CODE OF ORDINANCES**

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Chapter 17, Article VIII, Section 17-168 through 17-175 to prohibit the possession, sale, manufacture, creation, delivery and possession with intent to manufacture, create, or deliver Kratom or any Kratom derivative within the City of Madison Heights and to provide criminal penalties and business and non-business license sanctions for violation thereof.

THE CITY OF MADISON HEIGHTS ORDAINS**SECTION 1. AMENDMENT.**

That Chapter 17, titled “Miscellaneous Offenses and Provisions,” Article VIII, titled “Controlled Substances,” Section 17-168 through 17-175, titled “Reserved,” of the Code of Ordinances, City of Madison Heights, Michigan, is hereby amended in its entirety, to read as follows:

Sec. 17-168. – Short Title.

This ordinance shall be known and may be cited as the “Kratom Prohibition Ordinance.”

Sec. 17-169. – Findings and Purpose.

The purpose of this ordinance is to protect the public health, safety and welfare of persons within the jurisdiction of the city by prohibiting the possession, sale, manufacture, creation, delivery, and possession with intent to manufacture, create, or deliver kratom and kratom derivatives, except as expressly provided in this ordinance and to provide methods of enforcement through the criminal justice system and the licensing system in the city. The Madison Heights City Council finds that kratom and products containing kratom pose risks to public health, safety and welfare of the public and that prohibiting activities specified in this Ordinance are necessary to protect the community, including those who reside, work and visit the city.

Sec. 17-170 – Definitions.

When used in this article, the following words and terms shall have the following meanings:

- (a) *Kratom* means any part of the plant *Mitragyna speciosa*, including its leaves, stems, roots, extracts, powders, resins, preparations, concentrates, or other material derived from or containing any part of that plant.
- (b) *Kratom derivative* means any substance, preparation, compound, extract, concentrate, mixture, product, or other material that is derived from, contains, or is manufactured, created from kratom, whether or not the substance is chemically altered from its naturally occurring form.

(c) *Manufacture* means the production, preparation, propagation, compounding, processing, extraction, conversion, packaging, repackaging, or other creation of kratom or a kratom derivative, directly or indirectly, by natural, chemical or other means.

(d) *Creation* means to grow, produce, prepare, formulate, compound, extract, concentrate, process, or otherwise bring into existence kratom or a kratom derivative.

(e) *Deliver or delivery* means the actual, constructive, or attempted transfer of kratom or a kratom derivative from one person to another, whether or not there is an exchange of money or other consideration.

(f) *Person* means any individual, natural person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, association, trust, estate, joint venture, cooperative, organization, business, business establishment, entity, firm, company, nonprofit organization, governmental entity, or other legal or commercial entity, whether or not incorporated, and any other entity or combination of individuals or entities capable of owning property, entering into contracts, conducting business, or being subject to legal obligations. The definition of “Person” also includes any officer, director, manager, member, partner, agent, employee, representative, or other person acting on behalf of such entity to the extent permitted by applicable law.

(g) *Possession* means knowingly or intentionally having actual, constructive, or joint possession of kratom or a kratom derivative.

(h) *Sale* means any transfer of kratom or a kratom derivative for money, property, services, or anything else of value and includes an offer or attempt to sell.

Sec. 17-171. – Prohibited conduct.

Except as expressly authorized by state or federal law and subject to the exceptions in Section 7 below of this ordinance, it shall be unlawful for a person, within the jurisdiction of the city, to:

- (a) Knowingly possess kratom or any kratom derivative;
- (b) Knowingly sell or offer for sale kratom or any kratom derivative;
- (c) Knowingly manufacture kratom or any kratom derivative;
- (d) Knowingly create kratom or any kratom derivative;
- (e) Knowingly deliver kratom or any kratom derivative;
- (f) Knowingly possess kratom or any kratom derivative with the intent to manufacture, create, sell, or deliver it;
- (g) Knowingly advertise, offer, arrange, or facilitate the sale or delivery of kratom or any kratom derivative; or
- (h) Knowingly maintain or operate a location for the purpose, in part, of manufacturing, creating, storing, selling, or delivering kratom or any kratom derivative in violation of this ordinance.

Sec. 17-172. – Possession With Intent.

A person who knowingly possesses kratom or a kratom derivative under circumstances demonstrating an intent to manufacture, create, sell, or deliver kratom or kratom derivative commits a violation of this ordinance. Intent may be established through any evidence permitted by applicable law, including but not limited to the quantity or packaging of the material, communications concerning the material, financial records, equipment, transaction records, or other circumstances surrounding the possession.

Sec. 17-173. – Applicability of Ordinance.

This ordinance applies regardless of the form in which the kratom or kratom derivative exists, including powder, capsule, tablet, liquid, resin, extract, concentrate, plant material, edible product, beverage or other preparation, whether the kratom or kratom derivative is labeled or marketed as a dietary supplement, botanical product, herbal product, food, beverage, wellness product, research chemical or otherwise; whether the product is intended for human consumption; and whether the product contains naturally occurring kratom constituents or constituents that have been chemically modified or concentrated.

Sec. 17-174. – Exceptions.

This ordinance shall not prohibit conduct that is expressly authorized by applicable federal or Michigan law. Nothing in this ordinance shall prohibit possession, handling, manufacture, testing, or use of kratom or a kratom derivative by a federal, state or local governmental agency or law enforcement agency acting with the scope of its official duties; possession or handling of kratom or a kratom derivative by a person acting pursuant to a valid court order or other specific legal authorization; possession, handling, manufacturing, or testing of kratom or a kratom derivative by an appropriately authorized laboratory, educational institution, or research organization when such activity is expressly permitted by applicable law; or any other conduct that applicable state or federal law expressly exempts from local regulation.

Sec. 17-175 -- Penalties.

- (a) A person who violates this article is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. Further, each separate act of possession, manufacture, creation, sale, delivery, or possession with intent prohibited by this ordinance shall constitute a separate violation to the extent permitted by law.
- (b) A person who violates this article and who has or possesses a business license or other license issued by the city may be subject to revocation, non-renewal, or denial of said license, subject to the provisions in the city code of ordinances.
- (c) Pursuant to lawful enforcement of this ordinance, the city police department may seize and retain any kratom or kratom derivative, which may be kept, maintained, preserved, tested or transferred to other appropriate government authorities, or otherwise disposed of or destroyed in accordance with applicable law and established evidence-handling procedures.
- (d) Nothing in this article shall prevent the city from pursuing any other remedy authorized by law.

SECTION 2. REPEALER.

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. SEVERABILITY

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance, in whole or in part, shall not be affected other than the part invalidated.

SECTION 4. SAVINGS.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. EFFECTIVE DATE.

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

SECTION 6. INSPECTION.

A copy of this ordinance may be inspected or purchased at the city clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.