



**CITY OF MADISON HEIGHTS  
FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET  
CITY COUNCIL REGULAR MEETING AGENDA  
OCTOBER 24, 2022 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILMAN FLEMING**

**APPROVAL OF THE AGENDA:**

- [1.](#) Additions/Deletions

**PRESENTATIONS**

**PUBLIC HEARINGS:**

**ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE**

**MEETING OPEN TO THE PUBLIC:**

**CONSENT AGENDA:**

- [2.](#) Regular City Council Meeting Minutes of October 10, 2022
- [3.](#) Friends of the Library Memorandum of Understanding
- [4.](#) Vehicle #484, Parks Division Pick-Up Truck, Scheduled Replacement

**COMMUNICATIONS:**

**REPORTS:**

**ITEMS FOR FUTURE PUBLIC HEARINGS:**

**BID AWARDS/PURCHASES:**

**ORDINANCES:**

- [5.](#) DPS Director - Ordinance No. 2189 - Stormwater Ordinance Update, Second Reading
- [6.](#) CED Director - Zoning Text Amendment ZTA 22-02 [Ordinance 2188] - Caregiver Marihuana Grow Overlay District Amendment, Second Reading

**UNFINISHED BUSINESS:**

**MINUTES:**

**EXECUTIVE SESSION:**

**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](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

DATE: October 19, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, October 24, 2022

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The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, October 24, 2022.

## **ORDINANCES**

### **ORDINANCE 2188 - ZONING TEXT AMENDMENT ZTA 22-02 – CAREGIVER MARIHUANA GROW OVERLAY DISTRICT AMENDMENT – SECOND READING**

Ordinance 2188 is a zoning text amendment to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

The existing Caregiver Overlay District allows for the establishment of individual registered marihuana caregivers on parcels identified within the associated Overlay District map. While the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. Therefore, to ensure that marihuana primary caregivers only operate on properties with industrial zoning designations and to provide consistency between all three marihuana ordinances, the staff recommends the attached minor zoning text amendment.

The proposed text amendment states that registered primary caregivers shall be located within an M-1 or M-2 Industrial District and shall be located at a parcel identified within the Caregiver Marihuana Grow Overlay District. At their September 20th, 2022 meeting, the Planning Commission recommended approval of the proposed text amendment, as written.

Therefore, the staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon the second reading.

### **ORDINANCE 2189 - STORMWATER ORDINANCE UPDATE – SECOND READING**

The City of Madison Heights is required to implement a post-construction stormwater management program that meets the Municipal Separate Storm Sewer System (MS4) permit requirements as provided by the Michigan Department of Environment, Great Lakes and Energy (EGLE). EGLE requires that the City of Madison Heights adopts an ordinance or other suitable regulatory mechanisms, or develop design standards to control

stormwater following construction activities and ensure long-term maintenance of stormwater controls.

Therefore, Staff and I recommend City Council approve Ordinance 2189 on second reading.

City Council Regular Meeting  
Madison Heights, Michigan  
October 10, 2022

A City Council Regular Meeting was held on Monday, October 10, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street.

**PRESENT**

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

**OTHERS PRESENT**

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

Mayor Pro Tem Bliss proceeded over a moment of silence in honor of Bill Dixon and the Pledge of Allegiance followed.

**CM-22-286. Additions/Deletions.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to add Item 5A to the Consent Agenda, Tentative Agreement between the Police Command Officers Union and the City of Madison Heights.

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

Motion carried.

**CM-22-287. Resolution Declaring the Second Monday in October as Indigenous Peoples Day in Madison Heights.**

City Manager Marsh read the Resolution Declaring the Second Monday in October as Indigenous Peoples Day in Madison Heights.

**CM-22-288. Rezoning Request PRZN 22-03 [Ordinance No. 2187] - 29022  
Stephenson Hwy. - Removal from Primary Caregiver Marihuana  
Grow Overlay District, Second Reading.**

Mayor Grafstein opened the public hearing at 7:35 p.m.

Seeing no one wishing to speak, Mayor Grafstein closed the public hearing at 7:36 p.m.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve Ordinance No. 2187, PRZN 22-03, 29022 Stephenson Highway - Removal from Primary Caregiver Marihuana Grow Overlay District on Second Reading, as follows:

**ORDINANCE NO. 2187**

An ordinance to amend Ordinance Number 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending the zoning map in connection therewith.

**THE CITY OF MADISON HEIGHTS ORDAINS:**

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

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 267.10 FT FROM S 1/4 COR, TH N 01-48-25 W 60.00 FT, TH N 87-11-21 E 191.48 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT TO BEG 0.26 A

*PIN 44-25-11-377-015. 29022 STEPHENSON HWY.*

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT, TH S 01-4.

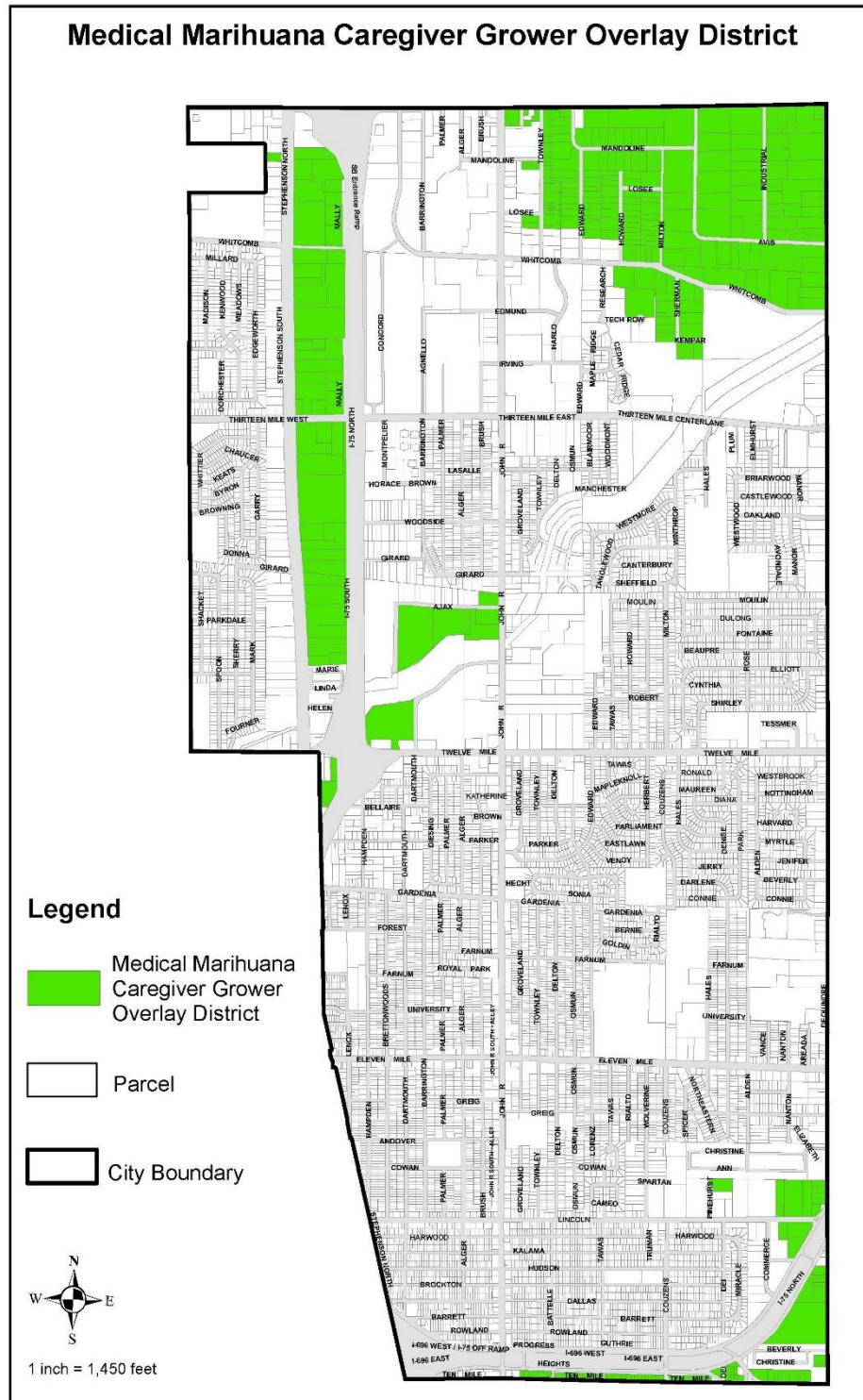
*PIN 44-25-11-377-016. 29022 STEPHENSON HWY.*

T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02

*PIN 44-25-11-377-019. 29022 STEPHENSON HWY.*

Shall be removed from the Primary Caregiver Marihuana Grow Overlay District as contained within Section 10.349 of the Zoning Ordinance.

**SECTION 2.** It was the original intent of City Council in designating the Primary Caregiver Marihuana Grow Overlay District that parcels within said district would only consist of those with an underlying zoning of M-1 or M-2. The map of the Primary Caregiver Marihuana Grow Overlay District as contained within Section 10.349 of the Zoning Ordinance shall thus be amended as provided for and shown within this Ordinance:



10-10-22

**SECTION 3.** 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 4.** This ordinance shall take effect ten (10) days after its adoption and upon publication.

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

Motion carried.

### **MEETING OPEN TO THE PUBLIC:**

Robert Noble, candidate for State Representative, introduced himself to Council and the residents of Madison Heights.

Martha Covert, resident, thanked Council for their donations to the Off the Trail fundraiser. She stated that our Council is involved and it is good to see.

Jennifer Zmarzlik expressed her opposition to Councilor Wright missing the last Council meeting.

### **CONSENT AGENDA:**

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

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

Motion carried.

### **CM-22-289. Proclamation Declaring Fire Prevention Week October 9th - 15<sup>th</sup>.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the 2022 Fire Prevention Week Proclamation.

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

Motion carried.

### **CM-22-290. City Council Regular Meeting Minutes of September 26, 2022.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the Regular City Council meeting minutes of September 26, 2022, as printed.

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

Motion carried.

**CM-22-291. Tentative Contract between the Police Command Union and the City of Madison Heights.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the tentative contract between Police Command Union and the City of Madison Heights.

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

Motion carried.

**CM-22-292. Resolution to Opt Out of PA 152.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to approve the P.A. 152 Opt Out Resolution, as follows:

**RESOLUTION TO OPT OUT OF PA 152**

WHEREAS, PA 152, passed by the state Legislature, was designed to lessen the burden of employee healthcare costs on public employers;

WHEREAS, Communities are given three options for complying with the requirements of the Bill;

WHEREAS, those three options are as follows:

- 1) Apply the Hard Cap (capped dollar amount each government employer may pay towards an employee's healthcare costs);
- 2) Adopt by majority vote the 80%/20% (employer/employee) cost-sharing model;
- 3) Opt out of the cost-sharing model by a super majority vote of five as set forth in the bill and revisit it prior to the next year.

WHEREAS, the City of Madison Heights has determined to opt out of the cost-sharing model by a super majority vote of five as set forth in the bill as its choice of compliance under PA 152;

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance



Contribution Act by opting out of the cost-sharing model as set forth in PA 152.

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

Motion carried.

**CM-22-293. Animal Control and Shelter Operations with Oakland County.**

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve the coordination with Oakland County Animal Control and Shelter effective November 1, 2022, for the City of Madison Heights.

Patrick Fanning, Oakland County Animal Control, was present to answer questions. In response to Councilman Fleming, he stated that licenses would be available through June at City Hall and online. If purchased online, the tags are mailed.

**Substitute Motion**

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the approve the coordination with Oakland County Animal Control and Shelter effective November 1, 2022 for the City of Madison Heights and utilize the savings of approximately \$2,500 annually to supplement resident's fees to Oakland County with a voucher program on a first-come, first-serve basis until depleted.

**Vote on Substitute Motion:**

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

Motion carried.

**CM-22-294. Civic Center Playscape Grant/Purchase.**

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.

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

Motion carried.

**CM-22-295 Civic Center Playscape Purchase.**

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92.

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

Motion carried.

**CM-22-296. Zoning Text Amendment ZTA 22-02 [Ordinance 2188] - Caregiver  
Marihuana Grow Overlay District Amendment - First Reading.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to adopt Ordinance 2188, Zoning Text Amendment ZTA 22-02, Caregiver Marihuana Grow Overlay District Amendment, on First Reading by name and title only, as follows, and schedule a Second Reading on October 24, 2022:

ORDINANCE NO. 2188  
CITY OF MADISON HEIGHTS  
OAKLAND COUNTY, MICHIGAN

ZONING TEXT AMENDMENT 22-02

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.350 – Caregiver Marihuana Grow Overlay District Requirements – to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

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

Motion carried.

**CM-22-297. Ordinance No. 2189, Stormwater Ordinance Update - First Reading.**

Motion made by Councilwoman Aaron, Seconded by Councilor Wright, to adopt Ordinance No. 2189, Stormwater Ordinance Update, on First Reading by name and title only, as follows and schedule a Second Reading for October 24, 2022:

ORDINANCE NO. 2189  
CITY OF MADISON HEIGHTS  
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights,

Michigan by amending Chapter 29, Article V, Section 117 of the Code of Ordinances to provide a program for post construction stormwater management and modifying the current Chapter 29, Article V, Section 117, Ordinances in Conflict to Chapter 29, Article V, Section 118, Ordinances in Conflict.

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

Motion carried.

**CM-22-298. Closed Session - Pending Litigation - Jeffrey Brozich, Dec'd v City of Madison Heights, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.**

Motion made by Councilor Rohrbach, Seconded by Councilman Soltis, to enter into Closed Session to discuss Pending Litigation, *Jeffrey Brozich, Dec'd v City of Madison Heights*, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:

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

Motion carried.

Mayor Grafstein recessed the Regular City Council meeting at 8:28 p.m.

Mayor Grafstein reconvened the Regular City Council meeting at 8:57 p.m.

**CM-22-299. Pending Litigation - Jeffrey Brozich, Dec'd v City of Madison Heights.**

Motion made by Councilor Rohrbach, seconded by Councilman Fleming, to approve the recommendation made by the City's Special Workers' Compensation Attorney in the Closed Session.

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

Motion Carried.

**COUNCIL COMMENTS:**

Councilwoman Aaron wished everyone a Happy Indigenous Peoples Day. She stated that she is so glad 12 mile is open!

Mayor Pro Tem Bliss stated that Trail Tunes was a super fun time and noted that this year every musician that participated performed at a previous Trail Tunes event. It is a great, accessible event that brings music directly to the people and is not funded by taxpayer dollars. He read the list of

sponsors and thanked them and all of the volunteers for their contributions to making the event a success. He stated that Bill Dixon was a pillar in our community, a great supporter of the arts, and this is the 5-year anniversary of his death.

Councilor Wright thanked the Fire Department and Oakway communities that participated in Fire-Ops Training, noting it was terrific. Kudos to all the men and women for their team work and camaraderie. This is Fire Prevention Week, please check your smoke and carbon dioxide detectors. It is Breast Cancer Awareness Month, please make sure that you give to this great cause. He congratulated the newly elected board of Active Adult Advisory Board and expressed best of luck with their new adventure and commended them on their passion for the community. He wished his daughter, Sydney, a Happy Birthday. He stated that as you already know, he was not here at the last meeting and commented that he found his unexcused absence disheartening. He commented that the City needs to be more empathetic and encourage in the future to avoid meeting on religious holidays; this may require a need to look at the Charter. It is World Mental Health Day, check in on your neighbors and friends. Remember to be kind.

City Attorney Sherman stated that Tim Burns also participated in the Oakway Fire Ops Training and he thought it was a great event.

City Manager Marsh thanked the Fire Department and for participating in a job-shadowing program with local students and noted that the Police Department will also be doing so in a few weeks. She announced that the City is looking to feature residents and other artists art on our walls in City Hall. Please submit your art by emailing the City Manager's office. The Arts Board will be choosing the pieces to display, and she encouraged anyone interested to participate.

City Clerk Rottmann stated that absentee ballots are available at the City Clerk's office. Application are available online, in-person, or you can call the office. The City Clerk's office will be holding pop-up Election office hours on Tuesday, October 25th from 4:30 p.m. to 7 p.m. Come in and register to vote or get your absentee ballot.

Councilor Rohrbach stated that she is happy that 12 Mile Road is open and a new play structure at Rosie's Park is installed. DPS did a great job, it is beautiful. Congratulations to all those involved in Trail Tunes, she heard it was terrific and was sorry she missed it. Remember to vote. Happy Indigenous People Day, a day that is near and dear to her personally. She shared a story of her ancestors and noted that this land has a history that is far vaster and richer than is taught in our schools.

Councilman Fleming stated that he was not here at the last meeting due to his faith. He would like an opportunity to look at next year's schedule to see if there are any meetings that can be rescheduled due to conflicts with the religious holidays. He commented that he would like to have the Charter Commission examined the Council meeting requirements to improve flexibility. November is Men's Cancer Awareness Month and the Fire Department has t-shirts on sale until Friday. He requested a report on the cost of installation of sensory equipment at our parks, and on the potential for inclusion in the next budget cycle. He requested the City participate in the Oakland County Spongy Moth Program.

Councilman Soltis stated that his middle son is getting married this weekend and he is very proud of him and expressed his congratulations.

Mayor Grafstien expressed congratulations and commended the good work of Public Works Supervisor Ballantine and Assistant to the City Manager Owczarzak on obtaining grant funding

for the park playscape. This week is Fire Prevention Week and there will be an open house this Saturday from 10 a.m. to 2 p.m. here at Fire Station #1; it is a very fun event - bring your family. She stated that she loves the idea of art in the lobby of City Hall. She concurred with Councilman Fleming's comments on moving meetings due to religious holidays for the next year. The cyclocross event was a huge success and passed along the event organizers thanks to the City for their support. She also noted that they plan on making it an annual event. The next day was Trail Tunes and she commented that is a privately funded event. Please feel free to bring your event ideas to City Council. Today is World Mental Health Day, remember that you can't tell what is going on with someone by looking at them. October is Domestic Violence Awareness Month, keep your ears open. As parents and as a society, we need to teach our daughters and sons to recognize when someone is being manipulative and abusive. She shared a story of her neighbor having an outside Rosha Hashanah ceremony for her. She stated that she will never forget the feeling of welcome, community and good will. She thanked Councilwoman Aaron for asking what we can do to help honor the religious holiday and for hearing her say it is important that the non-Jewish Council members be present so that she and Councilman Fleming could be absent without concerns.

#### **ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:59 p.m.

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Roslyn Grafstein  
Mayor

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Cheryl E. Rottmann  
City Clerk

## Memorandum of Understanding

### Between the Madison Heights Public Library And the Friends of the Madison Heights Public Library

The following will constitute a Memorandum of Understanding (MOU) between the Madison Heights Public Library (Library), a department of the City of Madison Heights, and the Friends of the Madison Heights Public Library (Friends), a nonprofit organization in the State of Michigan. The MOU will stand until and unless it is modified by mutual agreement of the Friends board and the Library administration.

The Library mission is to provide access to information with meets the educational, cultural, and recreational needs of the community.

The Friends mission is to raise money and public awareness in the community to support the services and programs of the Library. As legally district entity, the Friends are not a part of the library.

**The Library agrees to provide:**

- Public acknowledgement of the Friends' contribution in promotional materials.
- Space for a brochure or flier holder for Friends membership brochures and promotional materials.
- Reasonable amount of free printing as determined by Library administration for Friends promotional and operational purposes.
- One page on the Library's website and up to a half-hour of monthly staff support for webpage updates.
- Use of a study or meeting room for up to two hours monthly for Friends' board meetings. Additional time may be allocated upon request by Friends and approval by Library.
- Library staff assistance of up to one hour monthly for meeting coordination and Friends promotional materials, exclusive of time spent in the monthly board meeting.
- Space in the Library for book storage sorting and book sales.
- Storage and access to the files of the Friends for archival and routine purposes.
- Permission for library staff to collect financial donations and other Friends income during regular open hours.
- An agenda item for a Friends report at each regular Library Advisory Board meeting.
- Withdrawn Library collection materials, which the Friends may sell, donate to other organizations, or discard.
- Donated books and other materials if the Library determines them to be surplus.
- The Library's annual strategic initiatives and information on how the Friends resources and support might help these initiatives.

**The Friends agree:**

- To remain a Michigan non-profit corporation in good standing and an eligible tax-exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

- That any and all monies raised through its fundraising activities will be spent exclusively for Library programs and services, Friends operational expenses, and other Library defined needs unless otherwise mutually agreed upon by the Library's representative and the Friends board at a meeting of the Friends board.
- That its programs and events shall be consistent with the needs and objectives of the Library, and shall be reviewed with Library administration on a regular basis to confirm Library's identification and participation.
- The Library administration has the final say in accepting or declining any and all gifts made to the Library.
- To publicly support the Library and its policies.
- To engage in advocacy efforts on behalf of the Library under the guidance of the Library administration.
- To include a member from the Library's administration as a non-voting presence at all Friends' meetings and allow time on the agenda for a library report.
- To send a report or representative to each Library Advisory Board meeting.
- That members of the Friends, while working on Library property, will be identified both as Friend, and as Library volunteers, and are subject to all Library policies related to volunteers.
- That if the Friends cease to actively fundraise and promote the Library, they will dissolve the Friends nonprofit organization and all assets will transfer to the Library's escrow account.
- That in the event of the Friends dissolution, there is no prohibition for the establishment of a new Friends group at any point in the future.

IN WITNESS WHEREOF, the Friends, and the Library have caused this Memorandum to be executed as of the date appearing by its signatures.

Friends of the Madison Heights Public Library

BY \_\_\_\_\_

Deborah Shepherd, President

Date: \_\_\_\_\_

Madison Heights Public Library

BY \_\_\_\_\_

Vanessa Verdun-Morris, Library Director

Date: \_\_\_\_\_



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 10/24/22

**PREPARED BY:** Vanessa Verdun-Morris

**AGENDA ITEM CONTENT:** Friends of the Library Memorandum of Understanding

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:**

**FUNDS REQUESTED:** \$0

**FUND:**

**EXECUTIVE SUMMARY:**

Outlines the roles and responsibilities of Madison Heights Public Library and the independent organization of the Friends of the Madison Heights Public Library, as we work toward a common goal of improving library services in Madison Heights.

**RECOMMENDATION:**

Approve the Memorandum.





## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 10/24/22

**PREPARED BY:** R. Corey Almas, Director of Public Services

**AGENDA ITEM CONTENT:** DPS - Vehicle 484 Scheduled Replacement

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:** \$36,000

**FUNDS REQUESTED:** \$33,251

**FUND:** 101-752-985-0000

**EXECUTIVE SUMMARY:**

The FY 2022-23 Budget calls for the scheduled replacement of Vehicle 484, a 2009 Chevy Colorado, funded through the Parks division.

**RECOMMENDATION:**

Staff recommends that Council approve the purchase of one 2022 Chevy Silverado from Todd Wenzel Chevrolet, of Hudsonville, Michigan, in the amount of \$33,251.00. Funds are budgeted and available.

**MEMORANDUM**

Item 4.

**DATE:** October 18, 2022

**TO:** Melissa R. Marsh, City Manager

**FROM:** Sean P. Ballantine, Public Works Supervisor  
Dan Yamarino, Motor Pool Supervisor  
R. Corey Almas, Director of Public Services

**SUBJECT:** Purchase – Vehicle 484 Replacement

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The FY 2022-23 Budget calls for the scheduled replacement of Vehicle 484, a 2009 Chevy Colorado, funded through the Parks division.

Due to the lack of availability of a small pickup truck from any of the Big Three automakers, as well as the overall lack of versatility and functionality when compared to a full-size truck, the Budget request was for replacement with a full-size pickup truck, rotating the current 484 into reserve status for continued use dragging ballfields and snowplowing small routes, until such time as it is no longer economically feasible to operate. The vehicle is currently 13 years old, and has a condition score of 25, qualifying it for scheduled replacement.

It is further worth noting that between the chip and general supply chain shortage, it has been increasingly difficult to source replacement vehicles. Our regular GM dealership through the Oakland County cooperative purchasing bid has been able to confirm an order for a pickup truck built to our standard work/plow truck specifications.

Staff therefore recommends that Council approve the purchase of one 2022 Chevy Silverado from Todd Wenzel Chevrolet, of Hudsonville, Michigan, in the amount of \$33,251.00. Funds are budgeted and available.

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**Department of Public Services**

City of Madison Heights  
801 Ajax Drive  
Madison Heights, Michigan 48071

p (248) 589-2294 | f (248) 589-2679

<b>MODEL:</b>	<b>2022 CHEVROLET SILVERADO</b>	<b>DEALER INFORMATION</b>	
<b>Body Style:</b>	LONG BED REGULAR CAB 4WD	Name:	Todd Wenzel Chevrolet
<b>NOTE:</b> Model Should include <b>STANDARD PACKAGING</b> , unless otherwise indicated below.		Address 1:	3156 Highland Dr, PO Box 310
		Address 2:	Hudsonville, MI 49426
		Contact:	Albert Li
		Telephone:	734-713-1065
<b>Standard Equipment Plus</b>			<b>COST</b>
	6.6L V8		
	9,500 GVW		
	Air Conditioning		
	<i>PLUS TITLE FEE</i>		
	<i>MINUS TOTAL</i>	\$	-
<b>STANDARD COST SUBTOTAL</b>			<b>\$ 26,700.00</b>
<b>POSSIBLE OPTIONS:</b>			
<b>23M</b>	<b>2023MY GM Price Adjustment for Contract Bids</b>		<b>\$ 2,450.00</b>
<b>ZLQ</b>	<b>WT Fleet Convenience Package</b>		<b>\$ 1,240.00</b>
<b>PCV</b>	WT Convenience Package		\$ 1,610.00
<b>PQA</b>	WT Safety Package		\$ 998.00
<b>B30</b>	Carpet Floor		\$ 88.00
<b>K34</b>	Cruise Control		\$ 205.00
<b>C49</b>	Rear Defogger		\$ 205.00
<b>B30</b>	Carpet Floor		\$ 88.00
<b>K14</b>	Power Outlet (req. ZLQ, PCV or 5W4) (included with		\$ 205.00
<b>9L7</b>	<b>Upfitter Kit</b>		<b>\$ 139.00</b>
<b>CGN</b>	Spray on Bedliner		Call Dealer
<b>AKO</b>	Deep Tinted Glass		\$ 176.00
<b>UF2</b>	LED Cargo Area Lighting		\$ 115.00
<b>DWI</b>	Mirrors outside power vertical trailering with heated		\$ 660.00
<b>ZW9</b>	Pickup bed delete		\$ (816.00)
<b>UD7</b>	Rear Park Assist (req. ZLQ or PCV, JL1, V46 and VJH)		\$ 270.00
<b>ZHQ</b>	All Season Spare Tire		\$ 384.00
<b>PYQ</b>	Bright Painted Silver Aluminum Wheels		\$ 349.00
<b>BAQ</b>	Work Truck Package - includes NZZ and K47 - req. QDV		Call Dealer
<b>ANQ</b>	Alaskan Snow Plow Package		\$ 1,880.00
<b>VYU</b>	<b>Snow Plow Prep</b>		<b>\$ 290.00</b>
<b>PTO</b>	Power Take Off (req. L5P & K34)		Call Dealer
<b>KW5</b>	<b>220 Amp Alternator</b>		<b>\$ 139.00</b>
<b>NZZ</b>	<b>Skid Plate</b>		<b>\$ 139.00</b>
<b>JL1</b>	<b>Req PCV or ZLQ or LSP</b>		<b>\$ 249.00</b>
<b>NQH</b>	<b>Transfer case 2-Speed</b>		<b>\$ 186.00</b>
<b>DRZ</b>	Rear Camera Mirror (req. ZLQ or PCV)		\$ 489.00
<b>DLF</b>	Mirrors outside heated power-adjustable manual folding		\$ 46.00
<b>V46</b>	<b>Chrome Front Bumper</b>		<b>\$ 189.00</b>
<b>VJH</b>	<b>Rear Chrome Bumper</b>		<b>\$ 189.00</b>
<b>QXT</b>	<b>LT265/70R17E All-Terrain Tires</b>		<b>\$ 195.00</b>
<b>F60</b>	Heavy Duty Front Springs		\$ 42.00
<b>K4B</b>	Aux 730 Amp Battery (req. LST)		\$ 125.00
<b>L5P</b>	Duramax Diesel (req. JL1, on req cab req. ZLQ or PCV)		Call Dealer
<b>FPF</b>	DPF Diesel Particulate Filter Manual Regeneration		\$ 230.00
<b>UF3</b>	High Idle Switch		\$ 186.00
<b>UY2</b>	<b>Trailering Wiring Provisions</b>		<b>\$ 32.00</b>
<b>9V5</b>	<b>Woodland Green Special Paint</b>		<b>\$ 495.00</b>
<b>SBL</b>	<b>Spray on Bedliner</b>	<b>Rhino Linings</b>	<b>\$ 619.00</b>
	<b>TOTAL OPTIONS</b>		<b>\$ 6,551.00</b>
<b>CITY OF MADISON HEIGHTS</b>		<b>TOTAL COST</b>	<b>\$ 33,251.00</b>
<b>AUTHORIZED NAME: (Print)</b>			
<b>AUTHORIZED SIGNATURE:</b>		<b>DATE:</b>	

City of Madison Heights  
Vehicle Replacement Guidelines & Evaluation Worksheet

Disposition: Rotation in Fleet

Item 4.

(Only those fields shaded in yellow need to be completed.)

Date of Evaluation:10/15/2022

Vehicle #:484

Department / Division:Parks

Year / Make / Model:2009Chevy Colorado Pickup

Vehicle Type:A

Type A = Sedans / Light Trucks ≤ 1 Ton

Type B = Medium / Heavy Duty > 1 Ton

Type C = Off Road Equipment

Age: One point for each year of chronological age beginning with in-service date

In Service Date:5/20/2009

Age in Months:160

Age in Years (rounded):13

Score:13

Usage: Type A = 1 point per 10,000 miles; Type B = 1 point per 5,000 miles; Type C = 1 point per 250 hours used

Actual Mileage:21,483

Actual Hours:(N/A)

Score:2

Service Type:

Type A		Type C	
Points	Description	Points	Description
1	Standard sedans and light pickups.	1	Standard duties as equipped.
2	Standard vehicles with occasional off-road usage.	2	Standard duties when used with attachments (sickle bar, backhoes, rear bushhogs).
3	Any vehicle that pulls trailers, hauls heavy loads, continued off-road usage.	3	Multiple duties based on seasons (snow, mowing, leaf).
4	Any vehicle involved in snow removal.	4	Extreme duties in harmful atmosphere (dust, salt, water).
5	Police, Fire, and Rescue service vehicles.	5	Heavy construction work including snow removal.

Type B	
Points	Description
1	Standard use including basic job site duties, some light duty hauling.
2	Standard use with attachments (compressors, lights, etc.) including job site duties, standard load hauling, some towing.
3	Above standard use including job site duties that include idling, standard load hauling, light trailer/equipment towing, leaf collection.
4	Above standard use including job side idling and hauling above standard loads, towing equipment and heavy trailers, light snow removal.
5	Extreme service, high job site idling and duties with attachments, heavy load hauling, heavy trailer/equipment towing, major snow removal duties, refuse collection, etc. (Examples: Sign Truck, Tandem or Single Dump Truck, Snow Removal Truck).

Score:4

Reliability: Note: Based on current conditions. Preventative Maintenance work is not included.

Points	Description
1	In shop 0 or 1 time within the last 3 months, and no major breakdowns or road calls.
2	In shop 1 time within the last 3 months, and 1 breakdown/road call within the last 3 months.
3	In shop more than twice within the last month, and no major breakdowns or road calls.
4	In shop more than once within the last month, and 2 or more breakdowns/road calls within the last month.
5	In shop more than twice monthly within the last 3 months, and 2 or more breakdowns within the last month.

Number of times in shop within the last month:0

Number of times in shop within the last 3 months:1

Any Road Calls or Breakdowns (Y or N):N

Road Calls / Breakdowns within the last month:0

Road Calls / Breakdowns within the last 3 months:0

In shop more than twice monthly within the last 3 months (Y or N):N

Score:1

Maintenance & Replacement Costs:

Points	Description
1	Maintenance costs are less than or equal to 20% of replacement cost.
2	Maintenance costs are 21-40% of replacement cost.
3	Maintenance costs are 41-60% of replacement cost.
4	Maintenance costs are 61-80% of replacement cost.
5	Maintenance costs are greater than or equal to 81% of replacement cost.

Total Maintenance Cost:10,384

as of 10/15/2022

Estimated Purchase Price - New Veh.:38,000

as of 10/15/2022

Est. Resale Value of Car to be sold:5,000

as of 10/15/2022

Estimated Net Replacement Cost:33,000

as of 10/15/2022

Maintenance Cost as % of Replacement Cost:31.5%

as of 10/15/2022

Score:2

Condition:

Type A	
Points	Description
1	No visual damage or rust and a good drive train
2	Minor imperfections in body and paint, interior fair (no rips, tears, burns), and a good drive train.
3	Noticeable imperfections in body and paint surface, some minor rust, minor damage from add-on equipment, worn interior (one or more rips, tears, burns), and a weak or noisy drive train.
4	Previous accident damage, poor paint and body condition, rust (holes), bad interior (tears, rips, cracked dash), major damage from add-on equipment, and one drive train component bad.
5	Previous accident damage, poor paint, bad interior, drive train that is damaged or inoperative, and major damage from add-on equipment

Type B	
Points	Description
1	No visual damage or rust, good paint, good interior, no damage from add-on equipment, no body modification, good drive train.
2	Minor imperfections in body and paint, interior fair (no rips, tears, burns), good drive train, minor body modification.
3	Noticeable imperfections in body and paint surface, some minor rust, fair interior, weak/fair drive train, minor body modification, minor damage from add-on equipment.
4	Previous accident damage, poor paint & body condition, major rust/corrosion, poor interior, damage from add-on equip., moderate body modification evidence, 1 drive train component bad.
5	Previous accident damage, poor paint & body condition, bad interior, drive train damaged or inoperative, major body modifications, major damage from add-on equipment and attachments.

Type C	
Points	Description
1	Good condition, fully functional.
2	Fair body, functional.
3	Minor body damage, weak operating system.
4	Severe damage, component not functional.
5	Extreme damage, inoperable.

Number of Notable Accidents:0

(list number)

Paint / Body:Fair

comment

Interior:Fair

comment

Drive Train:Fair

comment

General Condition:3

(pick number from table)

Score:3

Overall: Total Score: 25

0 - 17	Excellent	Do not replace.
18 - 22	Good	Re-evaluate for future budget(s).
23 - 27	Fair	Qualifies for replacement if budget allows.
28+	Poor	Needs priority replacement.

Prepared By:Sean P. Ballantine

Date:10/15/2022



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 10/24

**PREPARED BY:** R. Corey Almas, Director of Public Services

**AGENDA ITEM CONTENT:** DPS - Post-Construction Stormwater Management Program Ordinance

**AGENDA ITEM SECTION:** Ordinances

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The City of Madison Heights is required to implement a post construction stormwater management program that meets the Municipal Separate Storm Sewer System (MS4) permit requirements as provided by the Michigan Department of Environment, Great Lakes and Energy (EGLE). EGLE requires that the City of Madison Heights adopts an ordinance or other suitable regulatory mechanisms, or develop design standards to control stormwater following construction activities, and ensure long term maintenance of stormwater controls.

**RECOMMENDATION:**

First reading took place at the Council meeting of October 10, 2022 Staff recommends that Council adopt Ordinance 2189 on second reading.

## ORDINANCE NO. 2189

### CITY OF MADISON HEIGHTS OAKLAND COUNTY, MICHIGAN

#### AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, Michigan by amending Chapter 29, Article V, Section 117 of the Code of Ordinances to provide a program for post construction stormwater management and modifying the current Chapter 29, Article V, Section 117, Ordinances in Conflict to Chapter 29, Article V, Section 118, Ordinances in Conflict.

#### THE CITY OF MADISON HEIGHTS ORDAINS

##### Section 1.

That Chapter 29, Article V, Section 117 of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended in its entirety to read as follows:

#### Sec. 29-117. POST CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

- A. Purposes: The City of Madison Heights is required to implement a post construction stormwater management program that meets the Municipal Separate Storm Sewer System (MS4) permit requirements as provided by the Michigan Department of Environment, Great Lakes and Energy (EGLE). EGLE requires that the City of Madison Heights adopts an ordinance or other suitable regulatory mechanisms, or develop design standards to control stormwater following construction activities, and ensure long term maintenance of stormwater controls.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Madison Heights through the regulation of stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the quality and quantity of stormwater discharge from a private property into a municipal storm sewer, enclosed or open conveyance systems.
- (2) To establish legal authority to implement permitting and delegation of monitoring and maintenance responsibilities necessary to ensure compliance with this article.

- (3) To adopt the Stormwater Engineering Design Standards set forth by the Oakland County Water Resources Commissioner's Office and that application of said standards shall be subject to the review and approval of City Engineers who make or allow exceptions to said standards as they determine appropriate in any specific case.

B. Definitions: The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates another meaning:

- (1) **Authorized Enforcement Agency** means the city engineer and his/her authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager to enforce this ordinance. Where applicable the term may also mean the director of the Michigan Department of Environment, Great Lakes and Energy (EGLE) and/or his/her designated official, and/or the United States EPA Administrator or his/her designated official
- (2) **Best Management Practices (BMPs)** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (3) **City** means the City of Madison Heights, Michigan.
- (4) **Clean Water Act** means the Federal Water Pollution Control Act (33 U.S.C. section 1251, et seq.), and any subsequent amendments thereto.
- (5) **County** means the County of Oakland.
- (6) **Construction Activity** means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land deemed to operate under a national permit. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.
- (7) **MS4** means a municipal separate storm sewer system
- (8) **National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit** means a permit issued by United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC section 1342(b) and codified in the Michigan Natural

Resources and Environmental Protection Act Protection at MCL 324.101 et seq., that authorizes the discharge of wastewater to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

- (9) **Person** means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.
  - (10) **Pollutant** means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
  - (11) **Premises** means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
  - (12) **Storm sewer system or storm drainage system** means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, road drainage systems, inlets, catch basins, or other drainage structures, piped/enclosed storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, excluding surface waters.
  - (13) **Stormwater** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
  - (14) **Wastewater** means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- C. Applicability: This ordinance shall apply to all development and redevelopment sites discharging to the City's MS4 as outlines in Oakland County's new stormwater engineering design standards, here forth referred to as the Oakland County Stormwater Standards.
- D. Enforcement, Responsibility for Administration: This ordinance shall be enforceable by the City Engineer, building official, or other authorized enforcement agency.
- E. Minimum Standards: The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.



- F. Right Of Entry: The City Engineer, building official, or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection of stormwater BMPs in accordance with the provisions of this article. Refusal of reasonable access to the City Engineer, building official, and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this article.
- G. Requirements To Manage Stormwater by Following Oakland County Stormwater Standards: The city adopts the requirements set out in the Oakland County Stormwater Standards. The Standards lay out a consistent county wide best managements practices (BMPs) to regulate stormwater quantity and quality discharge as approved by EGLE. The owner of a new development or redevelopment meeting the thresholds set out in the Oakland County Stormwater Standards shall, at their own expense, apply for and obtain a permit ahead of starting construction, engineered stormwater controls contained within the applicant's property meeting the design criteria of the Oakland County Stormwater standards. The property owner, upon completion of construction, must enter into a binding long-term maintenance agreement with the city, at their own expense, to document, routinely monitor and maintain the stormwater quantity and quality BMPs so they continue to operate as designed. The agreement shall be set up that if the property owner should be determined to be nonresponsive to a notice of required maintenance actions, that the city may enter the property to perform the maintenance required.
- H. Enforcement:
- (1) Notice of Violation: Whenever the City engineer, Director of Public Services or its designee, building inspector, or code enforcement finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the city may order compliance by written notice of violation. Such notice may require without limitation: The performance condition monitoring and measuring; The performance maintenance work in order to get BMPs functioning as designed; Payment of fines and cost to cover reimbursement of direct and administrative costs; In some cases, a bond to be posted.
  - (2) Abatement of Violation: If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator failed to remediate or restore within the established deadline, the work will be done by the City or its designee at the violator's expense.
- I. Appeal Of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 21 days from the date of the Notice of violation. Hearing on the appeal before the appropriate authority or designee shall take place within 14 days from the date of the receipt of the notice of appeal. The decision of the City or designee shall be final.
- J. Enforcement Measures After Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within

14 days of the decision of the City upholding its decision, then representatives of the City or designees may enter upon the subject private property and are authorized to take any and measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or its designees to enter upon the premises for the purposes set forth above.

- K. Cost Of Abatement of Violation: The cost of actual abatement and administration costs shall be the responsibility of the owner of the property. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs, in writing. The property owner may file a written objection to the amount assessed with 10 days of the date of the notice of costs. If the amount due is not paid in a timely manner, as determined by the City, or by the expiration of the time in which to file a timely appeal, the costs will become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of five (5%) per annum shall be assessed on the balance beginning on the first day following discovery of the violation.
- L. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirement of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation in violation.
- M. Other Proceedings: In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the city may impose upon a violator alternative compensatory action, including but not limited to storm drain stenciling, attendance at compliance workshops, and other cleanup.
- N. Violations Deemed A Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provision of this ordinances is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The City may also simultaneously or alternatively initiate a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.
- O. Criminal Prosecution: Any person who has violated this ordinance shall be guilty of a misdemeanor and subject to 90 days in jail and/or a \$500 fine, plus attorney's fees, court costs, abatement costs, costs associated with enforcement of this ordinance including monitoring and maintenance expenses, and any other costs determined by the Court. A separate violation occurs for each day that the violation exists without complete abatement.
- P. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within

the discretion of the city and/or authorized enforcement agency to seek cumulative remedies.

## Section 2.

That Chapter 29, Article V, Section 117 of the City of Madison Heights, Michigan, Code of Ordinances is hereby amended to Chapter 29, Article V, Section 118 and shall read as follows:

### **Sec. 29-118. Ordinance in conflict.**

All ordinances or parts of ordinances of the City of Madison Heights in conflict with this article are superseded by this article only to the extent necessary to give this article full force and effect.

## Section 3.

In the event any section, subdivision, clause or phrase of this Ordinance be declared by the Courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part so invalidated.

## Section 4.

All other provisions of the code of ordinances of the City of Madison Heights, Michigan except as herein modified are hereby expressly ratified and affirmed. This ordinance shall become effective upon passage and publication.



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 10/24/22

**PREPARED BY:** Matt Lonnerstater, AICP

**AGENDA ITEM CONTENT:** CED Director - Zoning Text Amendment ZTA 22-02 [Ordinance 2188] - Caregiver Marihuana Grow Overlay District Amendment - Second Reading

**AGENDA ITEM SECTION:** Ordinances

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

City staff proposes the attached text amendment [ZTA 22-02; Ordinance 2188] to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

**RECOMMENDATION:**

Staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon second and final reading at their October 24th, 2022 meeting.



## MEMORANDUM

Date: October 13<sup>th</sup>, 2022  
 CC Meeting: October 24<sup>th</sup>, 2022  
 To: City of Madison Heights City Council  
 From: Matt Lonnerstater, AICP – City Planner  
 Subject: Zoning Text Amendment (22-02); Ordinance 2188 – Caregiver Marihuana Grow Overlay District – Second Reading

### Introduction

City staff proposes the attached text amendment to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

### Background

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly restrict the establishment of medical and recreational marihuana facilities (Class C growers, processors, provisioning centers and retailers) to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial and identified by an official map published by the city (referred to herein as the ‘Allowed Parcels Map’). The Allowed Parcels Map, therefore, only includes parcels that have a base zoning district of M-1 or M-2.

Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances and the associated Allowed Parcels Map, Madison Heights created a new zoning overlay district known as the Caregiver Marihuana Grow Overlay District. The Caregiver Overlay District allows for the establishment of individual registered marihuana caregivers on parcels identified within the associated Overlay District map. While the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. Currently, the Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, *“a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.”* Therefore, it is possible for a property to be rezoned out of an industrial district and remain within the Caregiver Marihuana Grow Overlay District. A separate action and motion must be made to remove a property from the overlay district.

To ensure that marihuana primary caregivers only operate on properties with industrial zoning designations and to provide consistency between all three marihuana ordinances, staff recommends the attached minor zoning text amendment. The proposed text amendment states that registered primary caregivers shall be located within an M-1 or M-2 Industrial District and shall be located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

### Previous Action

At their September 20<sup>th</sup>, 2022 meeting, the Planning Commission recommended approval of the proposed text amendment, as written.

City Council approved the Ordinance upon first reading at their October 10<sup>th</sup>, 2022 meeting and scheduled the second and final reading for the October 24<sup>th</sup>, 2022 meeting.

### Next Step

Based on the Planning Commission’s recommendation, staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon second and final reading at their October 24<sup>th</sup>, 2022 meeting.

**Ordinance No. 2188  
City of Madison Heights  
Oakland County, Michigan  
Zoning Text Amendment 22-02**

**An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Section 10.350 – Caregiver Marihuana Grow Overlay District Requirements – to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.**

The City of Madison Heights ordains:

**Section 1. Section 10.350 – Caregiver Marihuana Grow Overlay District Requirements – is hereby amended to read as follows:**

The following standards and requirements shall apply to any location at which the cultivation of medical marihuana is conducted by a primary caregiver.

- (a) ~~A registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.~~ Registered primary caregivers authorized under this article shall be located in an M-1, Light Industrial, or M-2, Heavy Industrial zoning district and shall be located at a parcel that is identified within the Caregiver Marihuana Grow Overlay District.
- (b) The cultivation of medical marihuana by a caregiver shall comply at all times with the MMMA and the MMMA General Rules, as amended.
- (c) Not more than one registered primary caregiver shall be permitted to operate at any one parcel located with the Caregiver Marihuana Grow Overlay District.
- (d) The cultivation of medical marihuana by a primary caregiver shall be conducted entirely within an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA. The number of marihuana plants shall not exceed the number of marihuana plants permitted by the MMMA in total aggregate at any location or multiple locations whether located in the city or outside of the city.
- (e) No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical marihuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- (f) Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the parcel where medical marihuana is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where

medical marihuana is cultivated to purchase, smoke, consume, obtain or receive possession of any marihuana.

- (g) No on-site consumption or smoking of marihuana shall be permitted within the parcel (or on the property) where medical marihuana is cultivated, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- (h) Medical marihuana shall not be grown, processed, handled or possessed at the location where medical marihuana is cultivated beyond that which is permitted by law.
- (i) A certificate of occupancy, together with a required site plan review, shall be obtained from the city and all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- (j) If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- (k) Related merchandise or products shall not be sold or distributed from the property.
- (l) There shall be no exterior storage or parking of materials or equipment.
- (m) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time.
- (n) The entire parcel and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.

## **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 as a 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. Enactment**

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 12:30 p.m. and 4:30 p.m. on regular business days.

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Roslyn Grafstein, Mayor

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Cheryl Rottmann, City Clerk

**CERTIFICATION:**

I, Cheryl Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Madison Heights City Council at their Regular Meeting held on \_\_\_\_\_, 2022.

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Cheryl Rottmann, City Clerk

**ZOTXT 22-02 (Ordinance 2188)**

Planning Commission Public Hearing: September 20<sup>th</sup>, 2022

City Council First Reading: October 10<sup>th</sup>, 2022

City Council Second Reading: October 24<sup>th</sup>, 2022

Adopted: TBD

Published: TBD

Effective: TBD

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Planning Commission for the City of Madison Heights will hold a public hearing on **Tuesday, September 20<sup>th</sup>, 2022, at 5:30 p.m.** in the **Training Room of Fire Station #1 at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following text amendment:

### **Zoning Text Amendment 22-02**

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A (Zoning Ordinance), Section 10.350 – *Caregiver Marihuana Grow Overlay District Requirements*. The amendment aims to clarify that the cultivation of medical marihuana by a registered primary caregiver shall only take place on parcels with an underlying zoning designation of M-1, Light Industrial, or M-2, Heavy Industrial.

For further information, please contact the Community Development Department at (248) 583-0831. Please refer to the Agenda Center at <https://madisonheights-mi.municodemeetings.com/> for the posted agenda and any meeting updates.

### **Public Comment:**

Send your public comment through email at: [MaryDaley@Madison-Heights.org](mailto:MaryDaley@Madison-Heights.org) and your comment will be read at the meeting. Written comments may also be mailed prior to the meeting to 300 West Thirteen Mile Road, Madison Heights, Michigan, 48071. All comments will be heard at the public hearing.

City of Madison Heights  
Mary Daley  
Business Services Coordinator

Madison Park News 08/24/22



**CITY OF MADISON HEIGHTS**  
**PLANNING COMMISSION MEETING MINUTES (DRAFT)**

September 20, 2022  
 Fire Station #1 – Training Room  
 31313 Brush Street, Madison Heights, MI 48071

**1. CALL TO ORDER**

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

**2. ROLL CALL**

Present: Chairperson Josh Champagne  
 Mayor Roslyn Grafstein  
 City Manager Melissa Marsh  
 Member Eric Graettinger  
 Member Melissa Kalnasy  
 Member Cliff Oglesby  
 Member Grant Sylvester

Absent: Mayor Pro Tem Mark Bliss

Also Present: City Planner Matt Lonnerstater  
 Assistant City Attorney Tim Burns  
 Business Services Coordinator Mary Daley

**3. CHANGES TO THE AGENDA**

There were no changes to the agenda.

**4. APPROVAL OF MINUTES**

Motion by Commissioner Grafstein, seconded by Commissioner Marsh, to approve the minutes of the regular Planning Commission meeting of August 16, 2022.

Ayes: Graettinger, Grafstein, Kalnasy, Marsh, Oglesby, Sylvester, Champagne

Nays: None

Absent: Bliss

Motion carries unanimously.

**5. PUBLIC HEARING – Text Amendment ZTA 22-02: Caregiver Marihuana Grow Overlay District Amendments**

Chair Champagne opened the public comment period at 5:32 p.m. to receive comments for ZTA 22-02 Caregiver Marihuana Grow Overlay District Amendments. Seeing no public comments, the period was closed at 5:32 p.m.

Planner Lonnerstater provided an overview of the draft text amendment: This text amendment is a continuation of the discussion from the previous planning commission meeting. This is a text amendment

that limits primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

When the initial Medical Marihuana Ordinance and Adult Use Marihuana Ordinances were adopted along with the Allowed Parcels Map (sometimes referred to as the Green Zone Map), they limited such facilities to properties zoned M-1 or M-2 and depicted on the Map. When the subsequent Caregiver Overlay District was passed, the boundaries of the district were intended to mirror that of the allowed parcels map of the original Marihuana ordinances. However, the Overlay District map is technically a stand-alone map with separate zoning regulations. As written the Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district.

The proposed text amendment states that registered primary caregivers shall be located within an M-1 or M-2 Industrial District and shall be located at a parcel identified within the Caregiver Marihuana Grow Overlay District, consistent with the text of the Medical Marihuana Ordinance and Adult Use Marihuana Ordinance.

Chair Champagne opened the floor up for discussion amongst the Commissioners.

Motion by Grafstein, seconded by Sylvester recommend approval and adoption of text amendment ZTA 22-02 to City Council.

Ayes: Graettinger, Grafstein, Kalnasy, Marsh, Oglesby, Sylvester, Champagne

Nays: None

Absent: Bliss

Motion carries unanimously.

## **6. EXCUSE ABSENT MEMBERS**

Motion by Commissioner Marsh, seconded by Commissioner Oglesby to excuse Commissioner Bliss.

Ayes: Graettinger, Grafstein, Kalnasy, Marsh, Oglesby, Sylvester, Champagne

Nays: None

Absent: Bliss

Motion carries unanimously.

## **7. PUBLIC COMMENTS: For items not listed on the agenda.**

Chair Champagne opened the public comment period at 5:41 p.m. to receive comments for items not on the agenda. Seeing no public comments, the period was closed at 5:41 p.m.

## **8. NEW BUSINESS: Updated Boards and Commissions Handbook**

The City Clerk has requested that each Commission member sign the top page of the newly updated Boards and Commissions Handbook stating that they received it and return it to Planner Lonnerstater no later than Friday, October 28<sup>th</sup>.

## **9. MEMBER UPDATES**

There were no member updates.

## **10. PLANNER UPDATES**

City Planner Lonnerstater noted that the Michigan Association of Planners conference will be on Mackinac Island on October 12<sup>th</sup>-14<sup>th</sup> if anyone is interested in attending. It is costly but very informative.

As far as the Ordinance rewrite, the Consultants are putting together the first draft and the Planning Commission will have the opportunity to review it and make comments, which will then proceed to the project steering committee.

Discussion ensued regarding fix-it stations for bicycles. The City is adding four of them at various parks after residents have requested them.

The Commission asked Planner Lonnerstater to provide updates at subsequent meetings regarding approvals of new Certificates of Occupancy and Site Plans.

#### **11. ADJOURNMENT OF MEETING**

Meeting adjourned by Chair Champagne at 5:51 p.m.