



**CITY OF MADISON HEIGHTS
FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET
CITY COUNCIL REGULAR MEETING AGENDA
JULY 25, 2022 AT 7:30 PM**

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILOR ROHRBACH

APPROVAL OF THE AGENDA:

- [1.](#) Additions/Deletions

PRESENTATIONS

- [2.](#) Presentation - Bicycle Rodeo Winners

PUBLIC HEARINGS:

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE:

MEETING OPEN TO THE PUBLIC:

COMMUNICATIONS:

- [3.](#) Bruce Conn - Resignation from the Planning Commission

REPORTS:

- [4.](#) DPS Director - 2022-27 Macomb County Road Commission Winter Maintenance Agreement
- [5.](#) DPS Director - Tri -Party Cost-Sharing Agreement
- [6.](#) City Manager - Michigan Employees' Retirement System (MERS) - Delegates and Alternates to Annual Meeting

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

ORDINANCES:

UNFINISHED BUSINESS:

MINUTES:

- [7.](#) Regular City Council Meeting Minutes of July 11, 2022

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 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

DATE: July 21, 2022
TO: City Council
FROM: Melissa R. Marsh, City Manager
SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, July 25, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, July 25, 2022.

PRESENTATIONS:

POLICE DEPARTMENT BIKE RODEO WINNERS

The Michigan Schools and Government Credit Union (MSCGU) has donated funds to purchase bicycles for the raffle winners from the 2022 Police Department Bicycle Rodeo. The Chief of Police and MSGCU representatives will be in attendance to present the bikes to the winners.

COMMUNICATIONS:

CONN'S RESIGNATION FROM THE PLANNING COMMISSION

Bruce Conn has submitted his resignation from the Planning Commission. Staff recommends that City Council accept the resignation and declare the seat, expiring on August 31, 2022, as vacant.

REPORTS:

MACOMB COUNTY DEPARTMENT OF ROADS – 2022-27 WINTER MAINTENANCE AGREEMENT

Provided for Council's consideration is the agreement with Macomb County for the City to provide winter maintenance on all lanes of Dequindre from 10 Mile to 14 Mile. The County has proposed a five (5) year agreement during which any increases or decreases will be brought before City Council for approval as an amendment to the contract.

This year's contract allows \$7,120.91 per mile or road for \$28,982.10. This per mile currently matches the rate paid by Oakland County.

Staff recommends that City Council approve the contract and authorize the Mayor and City Clerk to sign on behalf of the City.

ROAD COMMISSION FOR OAKLAND COUNTY TRI-PARTY COST PARTICIPATION AGREEMENT

Presented for Council's consideration is a proposed Tri-Party Cost Participation Agreement involving the Road Commission for Oakland County, the City of Troy, and the City of Madison Heights pertaining to the resurfacing of 14 Mile Road from Barrington Street to Dequindre Road. The estimated total cost for this project is \$5,537,121. In addition, the Road Commission for Oakland County has also entered into an agreement with MDOT to expend federal Surface Transportation and Highway Infrastructure Funding for \$4,907,476 of this project, leaving a local share to be allocated through the tri-party program of \$629,645; requiring a Madison Heights share of \$52,471.

Staff and I recommend that Council consider two separation motions. First, to approve a budget amendment for \$52,471 to account number 202-450-988-0445, and second, to approve the Tri-Party Cost Participation Agreement and authorize the Mayor to sign on behalf of the City.

MICHIGAN EMPLOYEES' RETIREMENT SYSTEM (MERS) – DELEGATES AND ALTERNATES TO ANNUAL MEETING

City Council is being requested to appoint Melissa Marsh and Amy Mischak to serve as Officer Delegate and Officer Alternate, respectively; and, to certify the employees' election of Johnnie Browner and John Brackett as Employee Delegate and Employee Alternate, respectively, to attend the 76th Annual MERS Meeting on September 26-27, 2022 At Grand Traverse Resort in Acme.

**CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa Marsh, City Manager

SUBMITTED BY: Cheryl E. Rottmann, City Clerk DATE: 07/18/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 07/25/22

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	<input checked="" type="checkbox"/>	ORDINANCE - SECOND	_____
REPORT	_____	UNFINISHED BUSINESS	_____

DESCRIPTION OF ITEM

Bruce Conn - Resignation from Planning Commission

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Bruce Conn has submitted his resignation from the Planning Commission. Staff recommends Council accept the resignation and declare the seat vacant.

FINANCIAL IMPACT

No Impact	<input checked="" type="checkbox"/>	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	_____	Department Name	_____
Appropriated in Acct. No.	_____	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	_____
Amount Available in 2 nd Acct.	_____		
Other Comments	_____		

REVIEW CHECKLIST

DEPARTMENT Cheryl E. Rottmann, City Clerk DATE 07/18/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 7/19/22

Cheryl Rottmann

From: Melissa Marsh
Sent: Tuesday, July 12, 2022 3:05 PM
To: Cheryl Rottmann
Cc: Matt Lonnerstater; Giles Tucker
Subject: Planning Commission Bruce Conn

Bruce Conn just stopped in to resign from the Planning Commission. Please use this email as is official resignation and issue a proclamation for this over 6 years of service.

Thank you

Melissa R. Marsh
City Manager
City of Madison Heights
(248) 583-0829
melissamarsh@madison-heights.org
www.madison-heights.org



**CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 7/19

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 7/25

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____✓_____	OLD BUSINESS	_____

DESCRIPTION OF ITEM

2022-27 Macomb County Road Commission Winter Maintenance Agreement

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Attached is the new 5-year agreement with Macomb County for the City to provide winter maintenance on Dequindre Road, from 10 Mile to 14 Mile. This contract allows \$7,120.91 per mile of road, which matches the per-mile cost from the Road Commission for Oakland County. The total amount of the contract is \$28,982.10 annually. Matching Oakland County's price has resulted in a 13% increase from last year.

Staff recommends that City Council approve the contract and authorize the Mayor and City Clerk to sign on behalf of the City.

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	<u>Reimbursement-Macomb Cty.</u>	Department Name	<u>Major Streets - Revenues</u>
Appropriated in Acct. No.	<u>202-025-676-6782</u>	Budget Amount	_____
Amount Available in Acct.	_____	Budget Amount	_____
Second Account Number	_____	Revenue Generated	<u>\$28,982.10</u>
Amount Available in 2 nd Acct.	_____		
Other Comments	_____		

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 7/19

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 07-19-22

MAINTENANCE AGREEMENT

Under Act 51 Public Acts of 1951
as Amended and Supplemented

This Agreement made this 18th day of August, 2022, between the Macomb County Department of Roads, State of Michigan, a Municipal Body Corporate, hereafter referred to as "COUNTY" and the City of Madison Heights, Oakland County, State of Michigan, a Municipal Body Corporate, hereafter referred to as "CITY", witnesseth as follows to wit:

- A. There is located a County Line road, bordering the counties of Macomb and Oakland, which is a County Road heretofore legally established as a County Road and part of the County Primary System in the County of Macomb under the provisions of Act 51 of the Public Acts of 1951, as amended and supplemented as Act 153 and 262 of 1957, of this State.
 - B. The road referred to in the foregoing paragraph is described in Exhibit A attached to this agreement and made part hereof.
 - C. CITY desires to be responsible hereafter for the winter maintenance of said road under the terms of this agreement and COUNTY agrees to participate in the cost thereof as provided herein and no more.
 - D. The "Winter Maintenance" included in the terms of this agreement shall be such as hereafter defined.
 - I. CITY agrees to provide winter maintenance on said road and to be responsible for the entire cost thereof, subject only to the payment of part of said cost as hereafter set forth by COUNTY.
 - II. "Winter Maintenance" as herein required to be done by CITY shall include the following minimum requirements:
 - SNOW AND ICE CONTROL
 - Snow Removal by blading, plowing and other similar means.
 - Ice control by salting, sanding, scraping and other similar means.
 - III. CITY agrees to keep said road in such condition as to be usable by the general public as public highways.
- CITY agrees to hold first party harmless from any and all costs of maintenance (subject only to the provisions of paragraph V (hereof) and to protect and defend COUNTY against any loss or damage whatsoever which can possibly arise out

of second CITY'S maintenance and/or failure to maintain as required by this agreement, said road.

- IV. In consideration of the assumption of said "Winter Maintenance" by CITY, COUNTY agrees to pay to CITY the sum of \$7,120.91 per mile per year where it has four or more lanes of through traffic to be used by second party for such maintenance payments to be made on receipt of invoices.

Said cost incurred by the CITY for services which are to be rendered (Winter Maintenance as described in Section II) shall not exceed the sum of \$28,982.10, as set forth in Exhibit A.

- V. The making of said payment shall constitute COUNTY'S entire obligation in reference to said winter maintenance and the usual standards set up by the COUNTY shall control, but should any dispute arise as to the character or extent of said maintenance or to second CITY'S performance hereunder, the controversy maybe referred to an arbitration board consisting of the Director of Roads, the City of Madison Heights Engineer and a third person to be chosen by them for settlement thereof.
- VI. This Agreement shall continue for a period of five consecutive years (based on COUNTY fiscal year) beginning October 1, 2022 and ending September 30, 2027. It is agreed that amendments during the term of this agreement for adjustments to costs for services are permitted upon mutual agreement of both parties, and an amendment may be made to this agreement to cover such adjustments with the change in cost initialed by both signing parties.

IN WITNESS WHEREOF, the parties hereto executed this Agreement on the date set forth above.

WITNESS

MACOMB COUNTY

John Paul Rea, AICP, Deputy County Executive

WITNESS

CITY OF MADISON HEIGHTS

Roslyn Grafstein, Mayor

Cheryl E. Rottmann, Clerk

EXHIBIT A

1. DEQUINDRE ROAD

Extending from Ten Mile Road to Fourteen Mile Road a distance of 4.07 miles at \$7,120.91 per mile.

**CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 7/19/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 7/25/22

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	<u>✓</u>	OLD BUSINESS	_____

DESCRIPTION OF ITEM

14 Mile Tri-Party Cost-Share Agreement

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Please see attached.

Staff respectfully recommends that Council approve the following motions:

- 1) To approve a Budget Amendment in the amount of \$52,471 to account 202-450-988-0445
- 2) To approve the Cost Participation Agreement for RCOC Board Project 55031, the resurfacing of 14 Mile Road from Barrington Street to Dequindre Road, and authorize the Mayor to sign on behalf of the City.

FINANCIAL IMPACT

No Impact	_____	Fee Waiver Proposed	_____
Budgeted Fund Name(s)	<u>14 Mile Improvements</u>	Department Name	<u>Major Streets - Construction</u>
Appropriated in Acct. No.	<u>202-450-988-0445</u>	Budget Amount	<u>0</u>
Amount Available in Acct.	<u>0</u>		
Second Account Number	_____	Budget Amount	_____
Amount Available in 2 nd Acct.	_____	Revenue Generated	_____
Other Comments <u>Budget Amendment needed.</u>			

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 7/19

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 07/19/22

MEMORANDUM

Item 5.

DATE: July 19, 2022

TO: Melissa R. Marsh, City Manager

FROM: Sean P. Ballantine, Public Works Supervisor
R. Corey Almas, Director of Public Services

SUBJECT: 14 Mile Tri-Party Cost-Share Agreement

In the FY 2019-20 Budget, \$150,000 was allocated for the City's portion of a potential lane widening project related to the BJs development. This was to be funded through the County's tri-party program, allowing the costs to be split three ways between the City, the Road Commission (RCOC), and a third party. This project never came to fruition, and after being carried-forward, the allocated funding was allowed to return to fund balance.

Oakland County has programmed the much-needed 14 Mile Road resurfacing project to start in the upcoming spring of 2023. As this is a federally funded project, a local match is required, which is split between RCOC, the City of Troy, and the City of Madison Heights. The City's share of this project is eligible for the tri-party program, which allows us to further share our cost between the City, RCOC, and Oakland County. For reference, this represents a local share of \$52,471 out of a total project cost of \$5.53 million.

Staff respectfully recommends that Council approve the following motions:

- To approve a Budget Amendment in the amount of \$52,471 to account 202-450-988-0445
- To approve the Cost Participation Agreement for RCOC Board Project 55031, the resurfacing of 14 Mile Road from Barrington Street to Dequindre Road, and authorize the Mayor to sign on behalf of the City.

Department of Public Services

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

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

COST PARTICIPATION AGREEMENT**CONSTRUCTION**

14 Mile Road

Barrington Street to Dequindre Road

City of Madison Heights

Board Project No. 55031

This Agreement, made and entered into this _____ day of _____, 2022, by and between the Board of County Road Commissioners of the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Madison Heights, hereinafter referred to as COMMUNITY, provides as follows:

WHEREAS, the BOARD, COMMUNITY, and the City of Troy, hereinafter referred to as TROY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed the resurfacing of 14 Mile Road from Barrington Street to Dequindre Road, as described in Exhibit "A", attached hereto, and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within COMMUNITY and TROY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$5,537,121; and

WHEREAS, the BOARD has entered into an agreement with MDOT in Contract No. 22-5258 for the resurfacing of 14 Mile Road from Barrington Street to Dequindre Road under the Surface Transportation Program and Highway Infrastructure Program COVID up to, and shall not exceed, the amount of \$4,907,476; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL SHARE; and

WHEREAS, COMMUNITY share of said LOCAL SHARE involves certain designated and approved Tri-Party Program funding in the amount of \$157,413, which shall be paid through equal contributions by the BOARD, COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL SHARE and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between COMMUNITY and the BOARD that:

1. COMMUNITY and TROY approve of the PROJECT, declare its public necessity, and authorizes the BOARD and MDOT to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include total payments to the contractor. Any costs incurred by the BOARD prior to this agreement date shall be allowable.
3. The estimated total LOCAL SHARE is \$629,645 and shall be allocated simultaneously and proportionately as follows:
 - a. COMMUNITY shall contribute \$157,413 and will fund their share from the Tri-Party Program.
 - b. TROY shall contribute \$157,413 towards the LOCAL SHARE.
 - c. The Board shall contribute \$314,819 towards the LOCAL SHARE.
 - d. Any PROJECT costs above the Tri-Party Program funding of \$157,413, TROY contribution of \$157,413, and the BOARD contribution of \$314,819 will be funded 100% by the BOARD.
4. Upon execution of this agreement, the BOARD shall submit an invoice to COMMUNITY in the amount of \$52,471 (being 100% of COMMUNITY'S Tri-Party contribution through fiscal year 2022).
5. Upon execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$52,471 (being 100% of the COUNTY'S Tri-Party contribution through fiscal year 2022).

- a. The invoice shall be sent to:

Sheryl Johnson, Manager of Fiscal Services
Executive Office Building
2100 Pontiac Lake Road, Building 41 West
Waterford, MI 48328

6. The total actual LOCAL SHARE will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
7. Upon receipt of said invoice(s), the COMMUNITY and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.
8. The BOARD shall execute a separate Cost Participation Agreement with the City of Troy, for their share of the estimated PROJECT cost.

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

BOARD OF ROAD COMMISSIONERS OF THE
COUNTY OF OAKLAND
A Public Body Corporate

By_____

Its_____

CITY OF MADISON HEIGHTS

By_____

Its_____

EXHIBIT A
TRI-PARTY PROGRAM
 14 Mile Road
 Barrington Street to Dequindre Road
 City of Madison Heights
 Board Project No. 55031

Resurfacing of 14 Mile Road from Barrington Street to Dequindre Road.

ESTIMATED PROJECT COST

Contractor Payments: \$5,537,121
 Less Federal Funds: (\$4,907,476)
 Total Estimated Local Share: **\$629,645**

COST PARTICIPATION BREAKDOWN

	COMMUNITY	TROY	COUNTY	BOARD	TOTAL
Tri-Party Program	\$52,471	\$0	\$52,471	\$52,471	\$157,413
Contribution	\$0	\$157,413	\$0	\$314,819	\$472,232
TOTAL LOCAL SHARES	\$52,471	\$157,413	\$52,471	\$367,290	\$629,645

**CITY OF MADISON HEIGHTS
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Melissa Marsh, City Manager DATE: 07/20/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 07/25/22

ACTION REQUESTED

PRESENTATION	_____	FUTURE PUBLIC HEARING	_____
PUBLIC HEARING – SPECIAL APPROVAL	_____	BID AWARDS / PURCHASES	_____
PUBLIC HEARING – OTHER	_____	ORDINANCE - FIRST	_____
COMMUNICATION	_____	ORDINANCE - SECOND	_____
REPORT	_____✓_____	OLD BUSINESS	_____

DESCRIPTION OF ITEM

Michigan Employees' Retirement System (MERS) - Delegates and Alternates to Annual Meeting

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

City Council is requested to appoint Melissa Marsh and Amy Mischak as the Officer Delegate and the Officer Alternate respectively, and certify the election of Johnnie Browner as Employee Delegate and John Brackett as Employee Alternate to attend the 76th Annual MERS Meeting on September 26-27 at the Grand Traverse Resort, Acme, Michigan.

FINANCIAL IMPACT

No Impact		Fee Waiver Proposed	
Budgeted Fund Name(s)	<u>General Fund</u>	Department Name	<u>General Administration</u>
Appropriated in Acct. No.	<u>101-248-8640-000</u>	Budget Amount	_____
Amount Available in Acct.	_____		
Second Account Number	<u>101-248-8700-000</u>	Budget Amount	_____
Amount Available in 2 nd Acct.	_____	Revenue Generated	_____
Other Comments	_____		

REVIEW CHECKLIST

DEPARTMENT _____ DATE _____

DEPARTMENT _____ DATE _____

CITY MANAGER _____ DATE _____

2022 Officer and Employee Delegate Certification Form

MERS Annual Business Meeting | September 2022

Please print clearly • Scan and attach this file when you register online • Retain a copy for your records

IMPORTANT: If you are not electing/appointing delegates to vote during the MERS Annual Business Meeting, please **DO NOT** submit this form. A **delegate** is **NOT** confirmed to have voting rights until this form has been uploaded with their online registration.

The voting delegate representative must be a MERS member, defined as an **active employee on payroll** who is enrolled in either a MERS Defined Benefit Plan, Defined Contribution Plan or Hybrid Plan.

1. Officer (and alternate) delegate information

The officer delegate (or alternate) shall be a MERS member who holds a department head position or above, exercises management responsibilities, and is directly responsible to the legislative, executive, or judicial branch of government.

Officer Delegate name

Melissa Marsh, City Manager

Officer Alternate name

Amy Mischak, Human Resources Director

Officer delegate and alternate listed above were appointed to serve during the 2022 MERS Annual Business Meeting by official action of the governing body (or chief judge for a participating court) on July 25, 2022.

2. Employee (and alternate) delegate information

The employee delegate (or alternate) shall be an employee member who is not responsible for management decisions, receives direction from management and, in general, is not directly responsible to the legislative, executive, or judicial branch of government.

Employee Delegate name

Johnnie Browner

Employee Alternate name

John Brackett

Employee delegate and alternate listed above were elected to serve during the 2022 MERS Annual Business Meeting by secret ballot election conducted by an authorized officer on July 19, 2022.

3. Certification

NOTE: Certification should be signed by a member of the governing body or chief administrative officer, or the chief judge for a participating court. An **electronic signature is permissible**.

I certify that the officer delegate and alternate selections are true and correct, and the secret ballot election results for the employee delegate and alternate are true and correct.

Employer/municipality name*		Municipality number*	Email address	
City of Madison Heights			melissamarsh@madison-heights.org	
Employer address	Employer city	Employer state	Employer zip code	
300 W 13 Mile Road	Madison Heights	MI	48071	
Printed name	Title of authorized authority*			
Melissa R. Marsh	City Manager			
Authorized signature*			Date	
			7-25-22	

* Required field

2

ways to
complete

1. You may complete it electronically (an electronic authorized signature is permissible), then save it and upload it when registering your delegate(s) – OR –
2. You may print it off and complete it, then scan and upload it to your computer for uploading when you register your delegate(s).

City Council Regular Meeting
Madison Heights, Michigan
July 11, 2022

A City Council Regular Meeting was held on Monday, July 11, 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

ALSO PRESENT

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

Councilman Fleming gave the invocation and the Pledge of Allegiance followed.

CM-22-223. Rezoning Request PRZN 22-01(Ordinance No. 2184) - Rezone 30151, 30171 and 30183 Dequindre Road from R-2, One-Family Residential, to R-M, Multiple-Family Residential, Second Reading.

City Manager Marsh gave a summary of rezoning request PRZN 22-01 for 30151, 30171, and 30183 Dequindre Road.

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

Seeing no one present wishing to speak, Mayor Grafstein closed the public hearing at 7:38 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to to approve rezoning request PRZN 22-01 and adopt Ordinance No. 2184, to rezone 30151, 30171 and 30183 Dequindre Road from R-2, One-Family Residential, to R-M, Multiple-Family Residential, on Second Reading, as follows:

ORDINANCE NO. 2184

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 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 521 FT FROM E 1/4 COR, TH N 88-39-00 W 408.45 FT, TH N 00-14-00 E 129.50FT, TH S 88-39-00 E 410.58 FT, TH S 01-13-00 W 129.50 FT TO BEG 1.22A

PIN 44-25-12-280-027. 30151 Dequindre Rd

T1N, R11E, SEC 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 650.50 FT FROM E 1/4 COR, TH N 01-13-00 E 129.50 FT, TH N 88-39-00 W 1682.91 FT, TH S 00-14-00 W 129.53 FT, TH S 88-39-00 E 1680.68 FT TO BEG EXC E 60FT IN HWY, ALSO EXC W 1342 FT 0.83 A

PIN 44-25-12-280-026. 30171 Dequindre Rd

T1N, R11E, SEC 12 PART OF NE ¼ BEG AT PT DIST N 01-13-00 E 780 FT FROM E 1/4 COR, TH N 01-13-00 E 129.50 FT, TH N 88-39-00 W 336.91 FT, TH S 01-13-00 W 129.50 FT, TH S 88-39-00 E 336.91 FT TO BEG EXC E 60 FT IN HWY 0.82 A

PIN 44-25-12-280-025. 30183 Dequindre Rd

Shall be changed from R-2, One-Family Residential, to R-M, Multiple Family Residential.

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

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

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

Voting Nay: Councilman Soltis

Motion carried 6-1.

CM-22-224. Rezoning Request PRZN 22-02(Ordinance No. 2185) - Rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, Second Reading.

City Manager Marsh reviewed the rezoning request PRZN 22-02 for three (3) parcels of land at 29022 Stephenson Hwy.

Mayor Grafstein opened the public hearing at 7:40 p.m.

John Gaber, Applicant's attorney, thanked Council for the opportunity to consider the rezoning request. He stated that this is basically a stand alone site. Most of the surrounding area is zoned B-3, with mostly commercial uses. The existing use is commercial and the rezoning request makes sense. There is no adverse impact to the immediate neighbors and they respectfully request approval.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 7:42 p.m.

Motion made by Councilor Wright, Seconded by Councilor Rohrbach, to approve rezoning request PRZN 22-02 and adopt Ordinance No. 2185, to rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, on Second Reading, as follows:

ORDINANCE NO. 2185

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 changed from M-1, Light Industrial, to B-3, General Business

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

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

In response to Mayor Pro Tem Bliss' question, City Attorney Sherman stated that the site has been historically a restaurant since the 1970's. City Planner Lonnerstater added that a restaurant use is a right permitted in the proposed zoning district; if the Special Approval request to be considered later in the meeting passes, the current use would still be permitted by right in the new zoning district.

City Attorney Sherman stated that the purchase of the property is dependent upon the granting of the Special Approval.

In response to Councilman Soltis, Mayor Grafstein clarified that if the property is rezoned to B-3, then it cannot be used for a medical/adult use marihuana facility. City Attorney Sherman concurred with this comment noting that rezoning would prohibit any use not expressed in the current zoning district.

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

Motion carried.

**CM-22-225. Special Approval PSP 22-06 - 29022 Stephenson Hwy, EWM
Miller Wash LLC/Cosmo's Car Wash - Auto Wash Use –
(MOTION FAILED).**

City Manager Marsh reviewed Special Approval PSP 22-06, 29022 Stephenson Hwy, EWM Miller Wash LLC/Cosmo's Car Wash, request for auto wash use.

Mayor Grafstein opened the public hearing at 7:43p.m.

The applicant's team gave a presentation on the design, building, and operation of the business. Development Manager, John Pellegrine, stated that Cosmo's plans to open six facilities in the metro area. Their proposed project has extensive landscaping for added curb appeal. Cosmo's Representative, Cameron Ray, stated that Cosmo's wants to offer service that is not currently available in the area and are looking to be an amenity to the community as well as a business that Madison Heights can be proud of. He outlined the objectives/background, principals, facility maintenance protocol, customer service commitment, customer amenities, employment practices, and community initiatives of the company. Mr. Ray continued that water conservation measures will be placed and all of the chemicals they use are eco-friendly. Civil Engineer, Derik Leary stated that the current building has a combined sewer system. They will be required to separate the storm and sewer systems and they will be in compliance with local and State requirements. Mr. Gaber noted that the applicant will need two variances; one for

outdoor vacuums and the other for the setback. He added that the site design is compatible with the surrounding area.

Steve Gunn, owner of Washpointe Carwash, stated that he is concerned because he tried to get a setback and vacuum variances a few years back and both were denied. They tried fighting the denials and ended up settling the litigation; if approved, this will put his business at a disadvantage. He added that stacking space for 30 vehicles is required for his business and this proposal has less than 20 stacking spaces. He advised that there will be issues with the amount of stacking spaces proposed.

Discussion followed on stacking of cars and sound and design plan for the vacuums at the Cosmo site.

Seeing no one further wishing to speak, Mayor Grafstein closed the public hearing at 8:12 p.m.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright:

WHEREAS, a Special Approval Board application has been received from 29022 Stephenson Highway, requests for approval to for auto wash use; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community and Economic Development Department regarding Special Approval Request 22-06;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-06 to permit an auto wash at 29022 Stephenson Hwy with the following conditions:

1. Resolve site plan deficiencies relating to building setback and outdoor self-service vacuum bays **or** seek the appropriate variances from the Zoning Board of Appeals.
2. The hours of operation shall be limited to between the hours of 8:00 a.m. and 10:00 p.m., in accordance with Section **10.326(8)**.
3. The Landscape Plan and Building Elevations submitted with the site plan package shall be substantially consistent with the preliminary plans submitted with this special use application

Mayor Pro Tem Bliss stated that part of the reason he voted against the selling of the neighboring parcel was because it was done without knowing what use would be. Special Approvals are subject to six criteria. One reason is the need for the purposed use in the specified areas of the city. There are already 10 or 11 car washes and taking an existing restaurant that has been there for many years and stating another use would be more appropriately fit in with the neighborhood and be compatibility with our future land use would not be accurate.

Councilwoman Aaron stated that while the proposal is a great plan and the car wash will be beautiful, a car wash is the last thing the area needs. She stated she would rather have a retail use in the area.

In response to Councilman Soltis, Mr. Gunn provided a history of his family car wash business.

Councilwoman Rohrbach stated she appreciates Cosmo's commitments to community and noted that there are two school districts in Madison Heights. While Cole's restaurant is wonderful now, it was for many years an empty restaurant. Anything that will improve our community will be good. This seems like a good fit for the area and for the amenities that are available in the immediate area. This is a weird location in the City, not necessarily convenient for other uses, such as retail and she is looking at it as a potential improvement to the area.

In response to Councilor Wright, Mr. Ray stated that the average income in the City of Madison Heights is \$22,000. Cosmo's employees will start at \$13.50 with additional incentivized earnings. They want to hire the best quality of employees where they can establish a career. Councilor Wright stated the proposal makes sense logistically and the applicant wants to be a good steward to the community.

In response to Councilor Rohrbach, Mr. Gunn stated that trainees at Washpointe start at \$9.87 and can make up to \$30,000, plus tips. Other management positions have the potential to make more.

In response to Mayor Grafstein, Mr. Gunn stated that Washpointe's customer base is 95% from within a 1-2 mile radius of the business.

Voting Yea: Councilor Rohrbach, Councilor Wright

Voting Nay: Mayor Grafstein, Councilwoman Aaron, Mayor Pro Tem Bliss,
Councilman Fleming, Councilman Soltis

Motion failed 2-5.

CM-22-226. Special Approval PSP 22-06 - 29022 Stephenson Hwy, EWM Miller Wash LLC/Cosmo's Car Wash - Auto Wash Use – DENIED – MOTION APPROVED).

Motion made by Mayor Pro Tem Bliss, Seconded by Councilwoman Aaron:

WHEREAS, a Special Approval Board application has been received from 29022 Stephenson Highway, requests for approval to for auto wash use; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community and Economic Development Department regarding Special Approval Request 22-06;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby DENYS the requested Special Use PSP 22-06 to permit an auto wash at 29022 Stephenson Hwy due to an auto wash use being prohibited in the M-1 zoning district and for the reasons stated above by Council.

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

Voting Nay: Councilor Rohrbach, Councilor Wright

Motion carried 5-2.

CM-22-227. Special Approval PSP 22-07 - 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II - Rest/Convalescent Home

City Manager Marsh reviewed Special Approval PSP 22-07, 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II Rest/Convalescent Home.

Mayor Grafstein opened the public hearing at 8:34 p.m.

Jeff Buck, representing the Reserve at Red Run, stated that several people expressed a desire to find a place where they can age-in-place and that is why they are making the Special Approval request. He also noted that neighbors want some extra landscaping and they have added it. He stated that many people visiting the community are seniors who are living in Madison Heights and adult children who are trying to bring their parents to Madison Heights. The proposal is for a one-story, 60 unit building.

Merri Busch, resident, submitted written comments in favor of the Special Approval.

Mayor Grafstein closed the public hearing at 8:38 p.m.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach:

WHEREAS, a Special Approval Board application has been received from 30151, 30171 and 30183 Dequindre Rd., Hudson Madison II LLC/Reserve at Red Run Phase II to permit a rest/convalescent home; and

WHEREAS, a public hearing was published in the Madison Park News on June 22, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and

WHEREAS, a report has been received from the Community and Economic Development Department regarding Special Approval Request 22-07;

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-07 to permit a rest/convalescent home at 30151, 30171, and 30183 Dequindre Road with the following conditions:

1. Resolve site plan deficiencies relating to the southern building setback and maximum lot coverage **or** seek the appropriate variances from the Zoning Board of Appeals.
2. Upon Site Plan submittal, provide a revised Landscape Plan that depicts a greater number of evergreen and deciduous trees at the southwest corner of the site. The revised Landscape Plan should result in a denser, continuous landscape buffer and shall be provided to the satisfaction of the Site Plan Review Committee (SPRC).

Mayor Pro Tem Bliss stated that resident's concerns that were shared at Planning Commission have been addressed by the applicant. This is a need of the community that doesn't currently exist; we have an aging population and being able to allow our residents to age-in-place is a good thing.

In response to Councilman Soltis, Carl Simcox, Reserve at Red Run representative, stated that the price for Assisted Living averages \$5,000/month. That is an all-inclusive rate. Memory care is slightly higher, approximately \$5,500 - \$6,000/month because the staffing ratio is higher. This is right in the mid-range of the market from an industry perspective. Mr. Simcox stated that there is not a major difference in cost between a nonprofit and for profit industry in assisted living care.

In response to Councilor Wright, Mr. Simcox stated that neither Medicare nor Medicaid will pay for assisted living; however, some veteran benefits will help pay.

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:

Rob Paquette, resident, spoke in support of the City adopting an ordinance to regulate nuisance trees.

CM-22-228. City Council Regular Meeting minutes of June 27, 2022.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to approve the City Council Regular Meeting minutes of June 27, 2022, as printed.

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

Motion carried.

CM-22-229. Council Comments.

Councilwoman Aaron had no comments this evening.

Mayor Pro Tem Bliss stated that the Environmental Citizens Committee (ECC) will most likely have something to say about invasive and nuisance trees, and he appreciates Mr. Paquette's comments. Tonight there was good debate and he appreciates the discourse. He asked for a review of the burning ordinance to be more equitable to the fireworks. While the State requires municipalities to make fireworks legal, maybe the fire pit use could be eased.

Councilor Wright thanked the public for coming out and speaking tonight. The ECC will look into the nuisance tree issue. It is Minority Mental Health Month so check in on your friends and on each other. We all have different experiences and we need to acknowledge those experiences. Please remember to be kind.

City Attorney Sherman had no comments this evening.

City Manager Marsh had no comments this evening.

City Clerk Rottmann stated that absentee ballot applications are available in-person or online. Precinct 8, formerly located at the Active Adult Center, will now be located at Page Middle School. Please note parking is available off of Edwards. Also, beginning July 19th, all voter registrations for the August 2nd election must be done in-person at the Clerk's office through 8 p.m. on Election Day.

Councilor Rohrbach wished those celebrating a Happy Eid Mubarak. As her colleagues stated, the ECC will discuss and make recommendations for Council on nuisance trees in the future.

Councilman Fleming advised that at the end of August, Council reselects members for City boards and commissions. If you are interested, please consider applying. The application is available on the City's website.

Councilman Soltis stated that Red Oaks Park is open to public; but also please remember to clean up after your dogs.

Mayor Grafstein thanked those who came out to speak tonight. Please remember to be kind and please clean up after yourselves. Remember to look out for bikers and pedestirans. The next Regular Council meeting is July 25, 2022.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:03 p.m.