



CITY OF MADISON HEIGHTS
FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET
CITY COUNCIL REGULAR MEETING AGENDA
DECEMBER 12, 2022 AT 7:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILOR WRIGHT

APPROVAL OF THE AGENDA:

1. Additions/Deletions **Consent - Resolution in support of DNR Spark Grant**

PUBLIC HEARINGS:

2. Special Approval Request PSP 22-10 - 32751 Concord Drive - Gasoline Service Station

PRESENTATIONS:

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE:

MEETING OPEN TO THE PUBLIC:

CONSENT AGENDA:

3. CED Director - Community Development Block Grant Public Notice Resolution
4. Special City Council Meeting Minutes of November 10, 2022
5. City Council Regular Meeting Minutes of November 28, 2022

COMMUNICATIONS:

REPORTS:

6. CED Director - Community Development Block Grant Program Year 2023 Application
7. IT Contractor - Budget Amendment and Purchase of Security Cameras

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

8. Fire Chief - Purchase of Fire Gear Washer and Dryer

ORDINANCES:

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

DATE: December 6, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, December 12, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, December 12, 2022.

PUBLIC HEARINGS

SPECIAL APPROVAL SP 22-10, 32751 CONCORD DRIVE

Special Approval has been requested at 32751 Concord Drive for a gas station, convenience store, and drive-through restaurant. This former Steak n' Shake site is zoned B-3, General Business. Special Approval is required for gas stations in the B-3 General Business District, while convenience stores and drive-through restaurants are permitted by right within the B-3 zoning district. Gas stations are also subject to section 10.319(2) use-specific standards.

The staff has concerns regarding the proliferation of auto-related uses throughout the City; however, this site's proximity to the I-75/14 Mile Road interchange makes it conducive for this use. This project would also allow for the redevelopment and re-use of a vacant commercial building and bring the site into conformance with Zoning Ordinance standards. This project also introduces modern best practices such as reduced impervious surface, increased greenbelt, interior landscaping, and electric vehicle charging stations.

If City Council chooses to grant special approval, staff recommends the following conditions be satisfied upon submittal of the site plan application:

- 1) Parking - A minimum of 25 out of the existing 83 parking spaces be removed and replaced with greenbelt and interior landscaping.
- 2) EV Charging - A minimum of four (4) electric vehicle (EV) charging stations shall be provided.
- 3) Maximum Pumps - A maximum of six (6) fueling pumps (12 fueling stations) shall be permitted with any future modification of the gas station site that increases the number of pumps requiring special approval per the Zoning Ordinance.
- 4) Pedestrian Connection – The pedestrian connections to Concord Drive and Barrington Street shall be improved with an alternate paving material where they cross vehicular drive aisles. The material shall differ from the remainder of the drive aisle and shall not simply consist of a painted surface.
- 5) Elevations - Building elevations shall be substantially consistent with the renderings provided; the applicant shall be able to work with the CED Department to develop alternative elevations that meet the spirit of the renderings.
- 6) Hours of Operation - The gas station, convenience store, and restaurant shall not operate past midnight.

- 7) Use Specific Standards - The use shall comply with all use-specific requirements of Section 10.319(2) exclusive of item (c)

After the public hearing and discussion, City Council may take action on the requested special use. Any motion shall include concise findings based on special approval review standards and criteria, Section 10.201(4).

REPORTS

CDBG APPLICATION PROGRAM YEAR 2023

Last year staff was informed by Oakland County that the requirement for the CDBG Committee had been replaced with the requirement for City Council to post a 10-day public notice, hold a public hearing and approve the CDBG budget. Therefore, under these new guidelines, City Council must approve a PY 2023 CDBG application before Oakland County's deadline of December 23, 2022.

Traditionally, the CDBG program funded two main programs: Code Enforcement and Yard Service for low-income seniors and those with disabilities. Last year, City Council approved adding two new programs: Minor Home Repair and Mobile Home Minor Repair. Unfortunately, we have still not received notice from HUD whether our application was approved. Oakland County anticipates they will hear from HUD sometime in December 2022. For this reason, staff hasn't been able to evaluate the efficacy of these programs and make funding request adjustments. However, the staff is aware that there are a greater number of single-family homes that last year's funding would cover; therefore, staff has proposed to increase allocations to Minor Home Repair this Program Year (PY).

Also, like in prior years, staff received a funding request from Haven of \$2,500. This request has been submitted to the Police Department for continued support through the Police Drug Forfeiture fund.

To maximize the impact of the anticipated \$137,359 in CDBG allocation we expect to receive, staff recommends that activities and funding of the PY 2023 CDBG application should be as follows:

- | | |
|---|--------------|
| 1. Edison Park Parking Lot (ADA Accessible) | \$ 70,000.00 |
| 2. Senior Service- (Lawn Cutting Service) | 41,207.70 |
| 3. Minor Home Repair | 26,151.30 |

Anticipated Allocation Total	\$137,359.00
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BID AWARDS/PURCHASES

PURCHASE OF SECURITY CAMERAS

The FY 2023-27 Strategic Plan includes two action items related to the security of the renovated City offices and increased security for elections by installing security cameras at interior and exterior ballot drop boxes. Therefore, security cameras were discussed at the May ITAC meeting with a recommendation for Cisco Meraki equipment.

BPI, Staff, and the Police Department reviewed possible camera locations and identified 21 areas through the City Hall, Active Adult Center, and Library, including the cameras for the election drop boxes. The City Clerk has received a grant to fund these cameras for election security of \$1,260.

Therefore, staff recommends City Council approve a budget amendment for \$18,561 to 101-228-982-0000 and the purchase from CDW of 21 Cisco Meraki security cameras with licenses subscription. These cameras are available from CDW through the Michigan Master Computing MiDEAL program.

PURCHASE – FIRE GEAR WASHER AND DRYER

Appliances, including a new gear washer and dryer for Fire Station #2, are included in the Fire Station #2 Construction project budget. However, the City staff constantly works to supplement our budget in all areas with grant funding. As such, in September, we were notified that the Fire Department was awarded an Assistance to Firefighter Grant (AFG) for (2) gear washers and (2) gear dryers (one for each station). This grant requires a 10% match.

Staff requested bids for this equipment under grant guidelines and received the best price of \$48,446.44. Therefore the AFG grant will fund \$44,042.22 of the total, with the remaining \$4,402.22 funded by the construction project (city) 10% match.

Staff recommends City Council approve the purchase of two (2) fire gear washers from Univeral Laundry Machinery for \$24,468 and two (2) fire gear dryers for \$23,805.82 from Ram Air Gear Dryer under the FEMA FY 2021 AFG for a total amount of \$48,273.82.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Approval Request PSP 22-10 'Concord Drive Gasoline Station' - 32751 Concord Drive

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326 (7) of the Madison Heights Zoning Ordinance for a 'gasoline service station' at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

RECOMMENDATION:

Staff recommends that City Council approve PSP 22-10 with conditions based on the findings listed within the staff report after the required public hearing.



MEMORANDUM

Date: December 2nd, 2022
 CC Meeting: December 12th, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Special Approval Request PSP 22-10 – 32751 Concord Dr. – ‘Gas Station’
 Recommendation: **Approval, with Conditions**

Request

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326(7) of the Madison Heights Zoning Ordinance for a ‘gasoline service station’ at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

Background and Application

The applicant proposes to convert an existing vacant commercial building (most recently occupied by Steak n’ Shake) into a gasoline service station, convenience store, and drive-through restaurant. The property is located on the east side of Concord Drive, south of W. 14 Mile Road; the property also has frontage along, and access from, Barrington Street.

The subject property is zoned B-3, General Business. While the convenience store and drive-through restaurant are permitted by right within the B-3 zoning district, gasoline service stations require special approval through City Council per **Section 10.201(4)**. Gas stations are also subject to the use-specific standards of **Section 10.319(2)**. The special approval criteria and use-specific standards are contained at the end of this report.

The image below depicts the existing conditions of the commercial building:

Existing Commercial Building (vacant)



The applicant has submitted a conceptual site plan, conceptual color renderings, and a project narrative. The applicant proposes to repurpose the existing 4,000 sq. ft. commercial building into a convenience store and drive-through restaurant and construct a new canopy to the west of the building with 4-6 fuel pumps (8-12 pumping stations). The conceptual site plan depicts two (2) underground fuel storage tanks (approximately 21,000-gallon & 8,000-gallon tanks). To bring the site into conformance with Zoning Ordinance standards, the applicant proposes to remove excess parking/impervious surface throughout the site and replace it with interior and greenbelt landscaping, install pedestrian connections to Concord Drive and Barrington Street, and introduce one-way vehicular circulation. The applicant proposes to install Electric Vehicle (EV) charging stations on site, six (6) of which are depicted on the concept site plan. No modifications are proposed to existing site access or cross-access points.

Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:

1. *Location of use(s) on site;*
2. *Height of all improvements and structures;*
3. *Adjacent conforming land uses;*
4. *Need for proposed use in specified areas of the city;*
5. *Conformance with future land use plans for the area as adopted by the planning commission;*
6. *Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

Additional criteria for reviewing special uses are contained at the end of this report.

Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
Site	Commercial (vacant building)	B-3, General Business
North	Commercial (retail)	B-3, General Business
South	Commercial (restaurant)	B-3, General Business
East (across Barrington St.)	Commercial/Vacant	B-3, General Business
West (across Concord Dr.)	Commercial (retail)	B-3, General Business

The subject site is zoned B-3, *General Business*, which is, “*designed to provide sites for more diversified business types and are often located so as to serve the passer-by-traffic.*”

The subject site has primary frontage along Concord Drive (with double frontage along Barrington Street), just south of W. 14 Mile Road. Concord Drive is classified as a *collector road*, which is intended to provide a connection between local streets/neighborhoods and arterial roads.

Future Land Use and Master Plan

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

	Future Land Use
Site	Commercial
North	Commercial
South	Commercial
East (across Barrington St.)	Commercial
West (across Concord Dr.)	Commercial

The future land use designation of the subject site and adjacent properties is listed as ‘*Commercial*.’ Per the Master Plan, the Commercial designation is intended to, “*cover a broad range of goods and services.*” Further, the Master Plan states, “*it is envisioned that development regulations for commercial areas will be aimed at incremental improvements for existing development/redevelopment and support the kind of flexibility needed to encourage private investment.*”

Use-Specific Standards

Gasoline stations are subject to the use-specific standards of **Section 10.319(2), listed in full at the end of this report**. The applicant has responded to these standards within their project narrative. Staff finds that the project satisfies the use-specific standards.

Staff Analysis

While staff has concerns regarding the proliferation of auto-oriented uses (such as gas stations) in Madison Heights, staff acknowledges that the site’s proximity to the I-75/14 Mile Road interchange makes it conducive for such uses. The proposed project would allow for the redevelopment and re-use of a vacant commercial building and bring the site into conformance with Zoning Ordinance standards. Further, the project, as proposed, introduces modern best practices such as reduced impervious surface, increased greenbelt and interior landscaping, and Electric Vehicle (EV) charging stations.

To ensure that the site is developed in substantial compliance with the provided conceptual plan, and to ensure that the use does not operate in a manner that negatively-impacts adjacent properties, staff recommends the following conditions of approval, to be satisfied upon submittal of the site plan application:

- 1) To reduce excess impervious surface on the site, a minimum of twenty-five (25) out of the existing eighty-three (83) parking spaces shall be removed and replaced with greenbelt and interior landscaping.
- 2) A minimum of four (4) Electric Vehicle (EV) charging stations (Level 2 or Level 3) shall be provided, the final location of which shall be determined during final site plan review.
- 3) A maximum of six (6) fueling pumps (12 fueling stations) shall be permitted.
- 4) The pedestrian connections to Concord Drive and Barrington Street shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where they cross vehicular drive aisles. The material shall be different from the remainder of the drive aisle and shall not simply consist of a painted surface.

- 5) Building elevations submitted for final site plan review shall be substantially consistent with the renderings provided; the applicant shall have the ability to work with the Community & Economic Development Department to develop alternative elevations that meet the spirit of the renderings.
- 6) The gas station, convenience store, and restaurant shall not operate past 12 am midnight.
- 7) The use shall comply with all of the use-specific requirements of Section 10.319(2), exclusive of item (c).
- 8) Any future modification of the gas station site that results in an increase in the number of fuel pumps or pumping stations shall require special approval in accordance with the Zoning Ordinance.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for a gasoline service station at 32751 Concord Drive, zoned B-3, General Business
2. The proposed gas station is compatible with existing adjacent uses, which primarily includes commercial retail and restaurant uses.
3. The proposed gas station is compatible with the Future Land Use Map's 'Commercial' designation for the subject site, as contained within the 2021 Master Plan.
4. The proposed fuel station expansion is consistent with the special use criteria of Section 10.201(4) and satisfies the use-specific criteria of Section 10.319(2).
5. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their November 16th, 2022 meeting. The SPRC provided minor comments regarding the site plan, which have been addressed by the applicant. Further SPRC review will be required upon submittal of the site plan.

Based on these findings, staff recommends that City Council **approve special use request PSP 22-09, with the following conditions:**

- 1) To reduce excess impervious surface on the site, a minimum of twenty-five (25) out of the existing eighty-three (83) parking spaces shall be removed and replaced with greenbelt and interior landscaping.
- 2) A minimum of four (4) Electric Vehicle (EV) charging stations (Level 2 or Level 3) shall be provided, the final location of which shall be determined during final site plan review.
- 3) A maximum of six (6) fueling pumps (12 fueling stations) shall be permitted.
- 4) The pedestrian connections to Concord Drive and Barrington Street shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where they cross vehicular drive aisles. The material shall be different from the remainder of the drive aisle and shall not simply consist of a painted surface.
- 5) Building elevations submitted for final site plan review shall be substantially consistent with the renderings provided; the applicant shall have the ability to work with the Community &

Economic Development Department to develop alternative elevations that meet the spirit of the renderings.

- 6) The gas station, convenience store, and restaurant shall not operate past 12 am midnight.
- 7) The use shall comply with all use-specific requirements of Section 10.319(2), exclusive of item (c).
- 8) Any future modification of the gas station site that results in an increase in the number of fuel pumps or pumping stations shall require special approval in accordance with the Zoning Ordinance.

Next Step

After the public hearing and discussion, City Council may take action on the requested special use. **Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).**

Pertinent Zoning Ordinance Sections

Section 10.319(2) – Uses Permissible Upon Special Approval (B-1/B-2/B-3 Districts) – Gasoline Service Stations

- (2) **Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:**
 - (a) One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.
 - (b) The lot shall contain not less than 14,000 square feet of lot area.
 - (c) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district. (Note: Not applicable in B-3 district).
 - (d) All buildings shall be set back not less than 40 feet from all street right-of-way lines.
 - (e) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.
 - (f) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.
 - (g) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.
 - (h) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.
 - (i) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

- (j) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.
- (k) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.
- (l) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue to enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.
- (m) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.

Section 10.201 – Special Approval Use Review Procedures and Requirements

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
 - (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
 - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
 - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - 1. Location of use(s) on site;
 - 2. Height of all improvements and structures;
 - 3. Adjacent conforming land uses;
 - 4. Need for proposed use in specified areas of the city;
 - 5. Conformance with future land use plans for the area as adopted by the planning commission; and
 - 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
 - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:
 - 1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;

2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
 3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
 4. Adequacy of sight distances;
 5. Location and access of off-street parking;
 6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
- (f) The use shall be properly served by utilities.
- (g) The use shall not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

- (I) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **Monday, December 12th, 2022 at 7:30 p.m. in the Training Room at Fire Station #1 located at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following special approval request:

Case # PSP 22-10

The applicant, Antoun Property Group, requests Special Approval from City Council under Section 10.326(7) of the Madison Heights Zoning Ordinance for a 'gasoline service station' at 32751 Concord Drive, PIN 44-25-02-201-026. The property is zoned B-3, General Business.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed online after 4:00 p.m. on the Friday prior to the meeting at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community and Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC
City Clerk
(248) 583-0826



**CITY OF MADISON HEIGHTS
COMMUNITY DEVELOPMENT DEPARTMENT
PETITION FOR USE PERMITTED BY
SPECIAL APPROVAL**

FOR OFFICE USE		Item 2.
Request	PSP 22-010	No:
Date	11/10/22	Filed:
Approved	by	CDD:
Approved for Hearing: _____		

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)

Building Address: 32751 Concord Drive, Madison Heights, MI 48071 Tax ID No.: 44 - 25 - 02 - 201 - 026

APPLICANT INFORMATION

Name: Avis Antoun, Antoun Property Group Email: avis.antoun@gmail.com
Phone No.: 586-864-8516 Fax No.: n/a
Mailing Address: 32680 Concord Dr City, State, Zip: Madison Hts, MI 48071
(Notices will be mailed to this address)
Driver's License No.: A 535 075 009 280 Date of Birth: April 10, 1985
Interest in Property: Tenant

BUILDING & BUSINESS INFORMATION

Zoning District: B-3 Use Requested Pursuant to Section 10.319 of the Zoning Ordinance

Explain Requested Use in Detail: Proposed Gasoline Service Station and Canopy to be constructed

directly in front of the former Steak 'n Shake restaurant. The Tenant currently operates the

Concord Party Shoppe in the Concord Tower Apartments and is planning to relocate to this vacant
building to operate a similar use, with the addition of a gas service station.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) Parcel I & II of Plaza

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of _____ Street/Road between
_____ Street/Road and _____ Street / Road.

Hours of Operation: Mon.-Thurs. 8:00 am to 11:00 pm Fri-Sun 8:00 am to 12:00 am

Property Frontage: 151' Width/Depth: 329' No. of Parking Spaces: 39 Private Lot _____ Shared Lot _____

No. of Floors: 1 Max. No. of Employees: 6 Male 3 Female 3 No. on Largest Single Shift: 3

No. of Seats for Restaurant or Assembly Uses: no seating to be provi Capacity of Waiting Area: n/a

Building: New _____ or Existing xx Will Additions or Alterations to the Building be Required? _____

Explain: Interior alterations for new C-Store, as well as construction of Gas Station/Canopy.

Describe Any Other Site Improvements to be Made: Reduce amount of parking, provide new EV Charging
Stations, new green space and landscaping.

Building Owner Name: Antoun Property Group Phone No.: 586-864-8516 Fax No.: _____

Mailing Address: 32680 Concord Dr. City: Madison Heights Zip: 48071

(Notices will be mailed to this address)

**Note: All blanks and boxes above must be completed. Use N/A where appropriate.
CONTINUED ON REVERSE SIDE**



**PETITION FOR USE PERMITTED BY
SPECIAL APPROVAL (Continued)**

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee (\$750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

FOR THE OWNER:

Signature *Avis Antoun*
 Printed AVIS ANTOUN Name
 Date 11/10/22

FOR THE APPLICANT IF NOT THE OWNER:

Signature _____
 Printed _____ Name
 Date _____

NOTARY:

On this 10 day of November, 2022

Before me personally appeared

AVIS ANTOUN to me known to be the
 person who executed the forgoing instrument, and
 acknowledged that he executed the same as his free act
 and deed.

Notary's
 Signature *[Signature]*

Notary's
 Printed Name TRUDY L. MIESEL

Notary public, State of Michigan.

County of Macomb

My commission expires _____

Acting in the County of _____

TRUDY L. MIESEL
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF MACOMB
 My Commission Expires March 13, 2026
 Acting in the County of Macomb

NOTARY:

On this _____ day of _____

Before me personally appeared

_____ to me known to be the
 person who executed the forgoing instrument, and
 acknowledged that he executed the same as his free act
 and deed.

Notary's
 Signature _____

Notary's
 Printed Name _____

Notary public, State of Michigan.

County of _____

My commission expires _____

Acting in the County of _____

OFFICE USE ONLY

\$750.00 Fee Paid ☒ Receipt Number _____ By _____ Date: _____

One Site Plan Attached no larger than 11 x 17 inches ☒ Yes ☐ No

Site Plan Application: _____ Date: _____

Copies to C.D.D. _____

Notices Mailed to Properties Within 500 Feet _____

Council Action _____

Meeting Date _____

November 10, 2022

City of Madison Heights
City Council
300 W Thirteen Mile Road
Madison Heights, MI 48071

Dear City Council Members,

Earlier this year the Antoun Property Group secured a long-term lease to relocate their existing Convenience Store located at 32680 Concord Drive, to the former Steak 'n Shake building, located at 32751 Concord Drive, approximately 1/10th of a mile north of the current location.

The Antoun's have operated the Concord Party Shoppe out of the ground floor of the Concord Towers Apartments for the past 14 years. Their store has benefited the residents of that building and the surrounding area for that time. The opportunity came up with the closure of the former Steak 'n Shake restaurant in 2020 to relocate to a larger location with great visibility and expanded options for their store.

Plans were designed to reconfigure the existing restaurant space into a new Convenience Store. Those plans were submitted to Madison Heights and a building permit was issued for the improvements. During the plan review process, the Owners discussed a potential change to the use and the need for a Gas Station in the area that would be closer to I-75. We are requesting a Special Use Approval for the proposed Gas Station at the property.

The Gas Station would include 4-6 gas pumps directly west of the current building. There is more parking at the site than what is required per the ordinance for retail applications. We plan on reducing the amount of parking and impervious surface with the proposed Gas Pump/Canopy area. Removing parking in various areas improves the ability for fuel truck access around the site.

We are proposing (6) Electric Vehicle Charging Stations for the site as well. With the proximity to I-75 and the growing need for EV stations, this is an excellent opportunity to install these on the property.

The plan would also keep the existing drive-thru lane from the former restaurant use. A fast-food franchise, Krispy Krunchy Chicken, has been consulted with for utilizing their brand in this location.

After review of the Master Plan and Annotated Changes to Future Land Use Map, this project falls within the Designate Madison Place shopping areas immediately south as "Mixed Use Innovation" to allow flexibility of uses and encourage reinvestment. The proposed use does just that by offering multiple options for retail service that not only benefit the existing adjacent residents, also the future Madison Place Redevelopment site south on Barrington Street, those that travel into and out of Madison Heights, and creates a long-term consistent need for the community that will encourage desired reinvestment in the immediate/adjacent area.

We have reviewed SEMCOG's Traffic Volume information for the surrounding streets. Information on Concord Drive shows an AADT (average annual daily traffic) count of 10,700, and the section of 14 Mile Road adjacent to the project notes an AADT count of 25,100.

We have also reviewed the Special Approval Use checklist as well as the Site Plan Review application and have no issues or concerns with meeting the requirements of each. The Antoun's have been an exemplary business owner in the City of Madison Heights for the last 14 years and plan to continue their family business in this location for many years to come. We have provided additional commentary on section 4. of the Special Approval Use checklist below for your review.

We look forward to meeting with you in person at the next City Council meeting to discuss the project further and answer any questions you may have.

Thank you,

A handwritten signature in black ink, appearing to read 'T. Brodoski', is written over a light blue rectangular background.

Timothy A Brodoski
Owner
Construction by Design, LLC

4. Review Standards and Criteria

- A. Site plans will be prepared in conformance with and contain all information outlined in Section 10.514—Site Plan Review.
- B. All design standards will be met on this specific Special Approval use request.
- C. The use is being designed so that it is compatible with the surrounding properties.

1. Location of the use on the site is that the vacant/former Steak 'n Shake restaurant is being converted to a new convenience/retail store with a walk-in fast food option, that will utilize the existing drive-thru window/lane. That work has been designed and permitted already with the City of Madison Heights (Building Permit No. PB22-0554, dated 10/04/2022). However, the long-term goal for the site and the need for this Special Use Application is to construct 4-6 gas pumps in the existing parking area west of the building.

2. The existing building height of 19'-9" will not change. The proposed gas station canopy will require vehicle clearance of 13'-6" to the underside of the canopy, with a maximum height of 16'-0" to the top of the proposed canopy.

3. The adjacent land uses are as follows:

The two adjacent properties to the north are both cellular phone retail stores. Verizon Retailer that is adjacent to Barrington Street, and a T-Mobile Retailer that is adjacent to Concord Drive. The property to the south is a Bob Evans Restaurant. The properties to the east include a Jared Jewelry Store and a Travelodge by Wyndham Hotel. The area to the east of the property is a large parking area that supports the Micro Center Computer Store. Each of the properties noted are all zoned B-3, General Business.

4. The need for this proposed use is to offer a closer fueling option to I-75 as well as the residential areas to the south. Vehicles traveling on I-75 would be able to stop, refuel and return back to I-75 with ease, through (2) traffic lights. Currently vehicles that exit I-75 for fuel could travel west to the Exxon Mobil at the SW corner of 14 Mile Road & Stephenson, and back to I-75 through (5) traffic lights, or if they were to continue east on 14 Mile, they would need to travel through (8) traffic lights to go from the off-ramp to either the Amoco Station at the SW corner of 14 Mile Road & John R, or the Exxon Mobil at the NE corner of 14 Mile Road & John R, and then back to I-75.

The proposed use will also offer (6) EV Charging Stations. These strategically located stations offer increased availability to those requiring electric vehicle charging. The other options nearest to the I-75 off ramp are as follows:

- Semaconnect Charging Station located at 31601 Research Park Drive, Madison Heights, MI 48071 (1.2 miles from proposed use)
- Electric Vehicle Charging Stations located at 1600 Rochester Road, Troy, MI 48083 (2.2 miles from proposed use)
- EVgo Charging Station located at 5111 Meijer Drive, Royal Oak, MI 48073 (3.8 miles from proposed use)

5. Based on an initial meeting with Giles Tucker, Community & Economic Development Director, and Matt Lonnerstater, City Planner, we are in conformance with future land use plans for the area as adopted by the Planning Commission.

6. The proposed special land use is compatible with the permitted principal uses allowed in the B-3, General Business, zoning district where this Special Approval use is being requested.

D. Ingress/Egress use shall be controlled to assure maximum vehicular and pedestrian safety, convenience, and minimum traffic impact on adjacent roads, drives and uses, as we are not planning on changing the current ingress/egress points at the property.

1. There is currently one ingress/egress point along Concord Drive. There are two ingress/egress points along Barrington Street. There are also two access points to the T-Mobile property to the north via an existing Cross Access Agreement.
2. The distance from the intersection of Concord Drive & 14 Mile Road on the west side of the property is 358'. The distance from the north ingress/egress point on the east side of the property to the intersection at Barrington Street & 14 Mile Road is 224'. The distance from the south ingress/egress point on the east side of the property to the intersection at Barrington Street & 14 Mile Road is 350'. Again, all of these exist and there is no plan to change these.
3. Reduction/elimination of pedestrian/vehicular traffic conflicts would be provided with the removal of several of the parking areas noted in item 5. below. There is an excessive amount of parking on the site as it currently exists. The proposed Gas Station will require (2) underground storage tanks (UST) for fuel. These are being contemplated in the areas of the existing (12) parking spaces along Concord Drive and the (7) parking spaces at the northwest section of the property. With the elimination of those parking areas, the fuel truck would be able to park and provide fuel to the UST away from pedestrian and other vehicular traffic.
4. There are no existing or proposed elements that would impact sight distances. There are clear lines of sight from each of the (3) ingress/egress points, and there are no plans to change that.
5. There are currently (83) parking spaces at the property. (19) would be removed for the proposed Gas Station pumps and canopy, however (5) would be relocated to the building leaving (69) spaces. Madison Heights ordinance for retail stores are to have 1 space per 250 square feet of usable retail area. The existing building is 4,000 square feet, resulting in only requiring (16) parking spaces. We are evaluating increasing the green space and reducing impervious areas by also eliminating the (12) parking spaces along Concord Drive, the (7) spaces at the northwest area of the property, and a portion of the spaces (approximately 13 spaces) along the south property line. This would result in (32) less spaces, for a total of (39) total spaces.
The reduced parking along Concord Drive and the northwest area of the property as mentioned would allow for the installation of underground storage tanks for fuel in these areas and avoid any conflicts with refueling trucks.

6. There are currently (2) access points to the parcels to the north (T-Mobile Retailer), that will remain, and there are no plans to change those access points or add/create any additional access points to other adjacent parcels.

E. Additional landscaping screening will be provided to meet the ordinance requirements. Also, the new EV Charging Stations and their associated equipment will be properly screened. The expanded greenbelt areas will be created by the removal of the parking areas noted in D.5 above, will allow for additional green space on the property.

F. The use is currently served by the necessary utilities, and there is no need to change the existing infrastructure.

G. The use will not have an adverse effect on the environment beyond the normal effects of permitted principal uses in the same zoning district and does not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.

The property Owner has initiated contact with local fuel providers and will involve them in the design and construction of the proposed use in order to comply with all requirements.

H. The use will meet and conform with the performance standard outlined in Section 10.509 of this ordinance.

I. The proposed use will be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. This use shall not involve activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.

The proposed store anticipates that its hours of operation will be as follows:

Monday through Thursday – 8:00 am to 11:00 pm

Friday through Sunday – 8:00 am to 12:00 pm

J. The proposed use will not impose an unreasonable burden upon public services and utilities to the burden imposed by permitted principal uses in the same zoning district.

K. We understand that City Council may impose conditions when granting the Special Approval that it deems necessary to fulfill the spirit and purpose of this Ordinance.

L. We understand that the discontinuance of a special use after a specified time may be a condition to the issuance of the permit. The Owner has already provided construction plans to the City of Madison Heights that yielded a building permit for the proposed reuse of the former vacant space. The Owner has also owned and operated a similar use at the ground floor of the Concord Tower Apartments since 2008.

Section 10.319. – Uses Permissible on Special Approval:

Gasoline service stations and/or motor vehicle light repair facilities and/or motor vehicle maintenance service facilities, subject to the following:

(a). One hundred forty feet of street frontage on the lot proposed for the gasoline filling station shall be provided on the principal street serving the station.

Concord Drive frontage has 151' of frontage, while the Barrington Street side of the property has 166' of frontage.

(b.) The lot shall contain not less than 14,000 square feet of lot area.

The lot contains approximately 54,327 square feet of area.

(c.) The lot must be located on the edge of the district (where the abutting zoning district on the frontage is nonresidential) so as not to disrupt pedestrian movement within the district.

The lot is located within a Commercial zoning district, and there are no abutting residential zoning districts to the property.

(d.) All buildings shall be set back not less than 40 feet from all street right-of-way lines.

The building is approximately 189' from Concord Drive right of way and 88' from Barrington Street right of way.

(e.) Gasoline pumps, air and water hose stands and other appurtenances shall be set back not less than 15 feet from all street right-of-way lines.

The gasoline pumps are approximately 102' from Concord Drive right of way.

(f.) Driveway widths entering the filling station shall have a maximum width of 35 feet. Curb openings for each driveway shall not exceed 50 feet in length.

The existing drive off of Concord Drive is 26'-0". The north drive off of Barrington Street is 24'-0" wide as is the south entry drive off of Barrington Street.

(g.) Curb cuts shall be no closer than ten feet to any adjoining property and shall be no closer than 35 feet to any corner of the intersecting street right-of-way lines. Any two driveways shall be separated by an island at least 20 feet long.

The existing curb cut on Concord Drive is approximately 18'-6" from the southern property line. The existing northern curb cut on Barrington Street is 19'-7" from the norther property line. The existing southern curb cut on Barrington Street is 18'-6" from the southern property line. The entrances off of Barrington are separated by 97'-0".

(h.) The angle of intersection of any driveway shall not be less than 60 degrees unless acceleration or deceleration lanes are provided.

The angle of intersection of all driveways is approximately 90 degrees.

(i.) Curbs in accord with standard city specifications shall be constructed on all streets adjacent to the gasoline filling station site.

There is no intention to create any new curb cuts or modify the existing curb cuts. All appear to meet with local standards and ordinances for this use.

(j)

(j.) Sale of alcoholic beverages from a structure wherein gasoline service stations are operated is strictly prohibited except in such structures where there is a masonry firewall between the location selling alcoholic beverages and the gasoline service station and there is a distance of 500 feet between the entrance of each establishment.

The store would sell alcoholic beverages, however, there is absolutely no intention for on-site consumption in any manner.

(k.) The owner and/or operator of a gasoline service station and/or motor vehicle maintenance service facility shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. Further, such disabled vehicles or vehicles waiting for repair or service shall be parked within an enclosed building. All repair work of any nature shall be done within an enclosed building only.

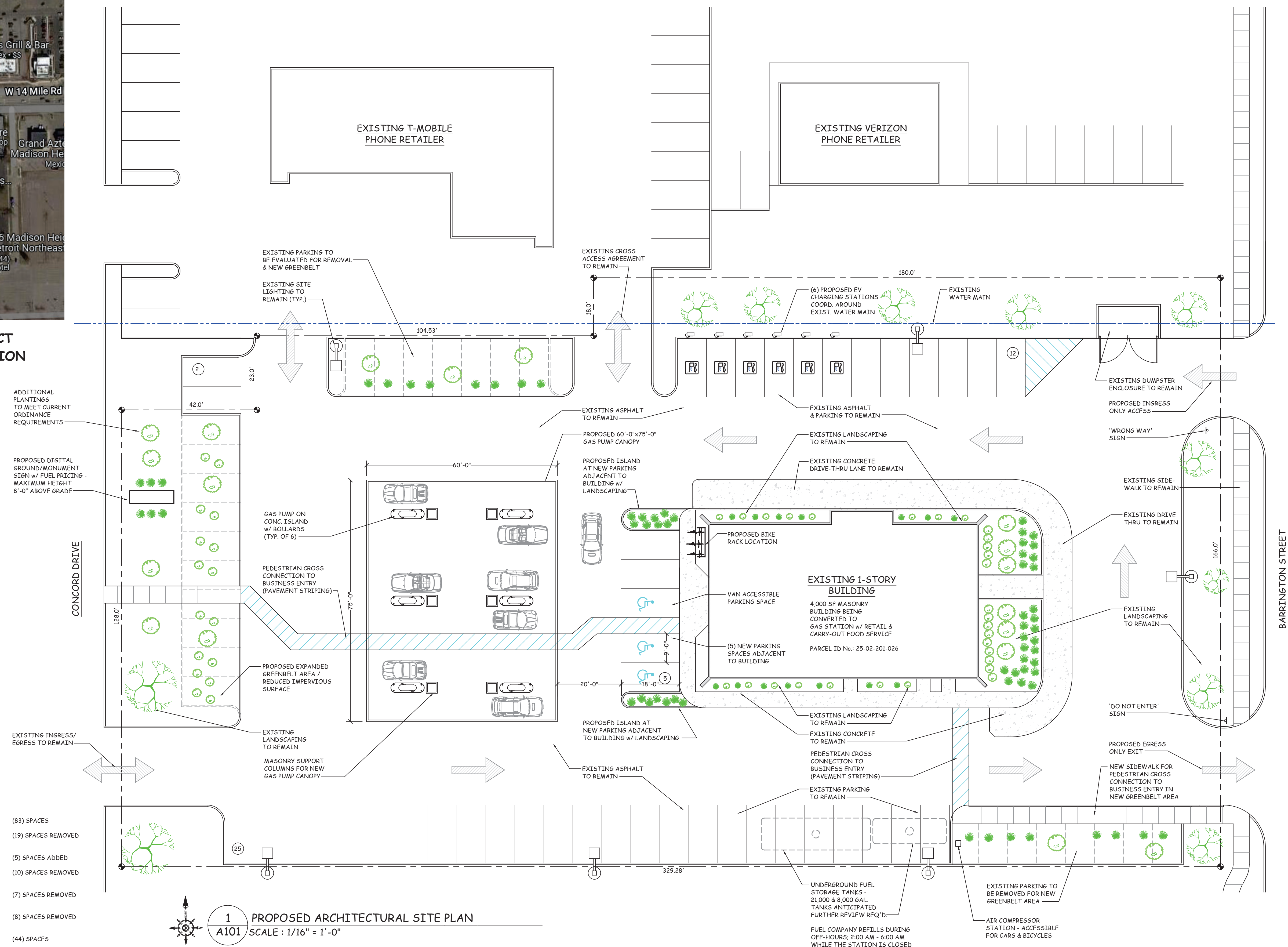
There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.

(l.) Motor vehicle light repair facilities established and/or uses expanded to include motor vehicle light repairs shall completely screen all motor vehicles waiting for repairs and/or maintenance from view from any direction by an eight-foot poured concrete screen wall. All parcels which do not contain corner lots must maintain the required front yard setback per ordinance. All parcels which contain a corner lot shall contain screened walls which comply with side yard setbacks as well as front yard setbacks. Screen gates must be installed to continue the enclosure of the screened area. Disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced shall not be parked for longer than 72 hours on the premises. Further, all vehicles waiting for repair shall be screened from view. All repair work of any nature shall be done in an enclosed building only.

There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.

(m.) All owners and/or operators of gasoline service stations and/or light repair facilities and/or motor vehicle maintenance service facilities that are in existence on the effective date of this Ordinance, shall not permit disabled vehicles and/or vehicles that are being repaired or waiting to be repaired or serviced to be parked for longer than 72 hours on the premises. All repair work of any nature shall be done within an enclosed building only.

There is no intention to have vehicle repair at the proposed Gas Station. The owner/operator will comply with this requirement.



PARKING REQUIREMENTS:	
EXISTING PARKING	(83) SPACES
PROPOSED GAS STATION PUMPS/CANOPY	(19) SPACES REMOVED
B.F. SPACES AT BUILDING	(5) SPACES ADDED
EXIST. PARKING ALONG CONCORD DRIVE	(10) SPACES REMOVED
EXIST. PARKING ALONG NORTHWEST PROPERTY LINE	(7) SPACES REMOVED
EXIST. PARKING ALONG SOUTH PROPERTY LINE	(8) SPACES REMOVED
REVISED TOTAL PARKING	(44) SPACES















AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Giles Tucker - CED

AGENDA ITEM CONTENT: Resolution - CDBG Public Notice Posting

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: \$0

FUNDS REQUESTED: \$0

FUND: n/a

EXECUTIVE SUMMARY:

Oakland County requires that Public Hearing Notice appear in a newspaper of general local circulation at least 10 days prior to the hearing unless the community approves an ordinance or resolution allowing for the CDBG public hearing notice to be posted at city hall and on the city website at least 10 days before the hearing.

Given the delayed grant application availability and considering the time it takes to post in a local newspaper, the staff is requesting City Council approve a resolution to allow for posting at city hall and on the City's website. This will allow for the additional time needed to complete the application to Oakland County.

RECOMMENDATION:

Staff recommends that Council approve the attached resolution allowing for the CDBG public hearing to be posted at City Hall and on the city website, as opposed to requiring notice be posted in a local newspaper.

MEMORANDUM

DATE: November 28, 2022

TO: Melissa Marsh - City Manager

FROM: Giles Tucker - Community & Economic Development Director

SUBJECT: CDBG Public Notice- Website Posting Resolution

SUMMARY:

Each year, Oakland County prepares an Annual Action Plan for the Community Development Block Grant (CDBG) program. This year Oakland County provided that plan the then opened the application period much later than usual, the end of October. As a sub-recipient of Oakland County's CDBG application, Madison Heights must have a City Council-approved application to Oakland County by December 23, 2022.

Oakland County requires that Public Hearing Notice appear in a newspaper of general local circulation at least 10 days prior to the hearing unless the community approves an ordinance or resolution allowing for the CDBG public hearing notice to be posted at city hall and on the city website at least 10 days before the hearing.

Given the delayed grant application availability and considering the time it takes to post in a local newspaper, the staff is requesting City Council approve a resolution to allow for posting at city hall and on the City's website. This will allow for the additional time needed to complete the application to Oakland County.

STAFF RECOMMENDATION:

Staff recommends that Council approve the attached resolution allowing for the CDBG public hearing to be posted at City Hall and on the city website, as opposed to requiring notice be posted in a local newspaper.

A RESOLUTION ALLOWING THE PUBLIC HEARING NOTICE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO BE POSTED ON THE CITY WEBSITE AND AT CITY HALL WITH AT LEAST 10 DAYS NOTICE PRIOR TO THE HEARING

WHEREAS, Oakland County is preparing an Annual Action Plan to meet application requirements for the Community Development Block Grant (CDBG) program, and other Community Planning and Development (CPD) programs, and

WHEREAS, Oakland County has request and CDBG-eligible projects from participating communities for inclusion in the Action Plan, and

WHEREAS, Oakland County requires that participating communities to advertise a Public Hearing for the CDBG application, and

WHEREAS, Oakland County requires that Public Hearing Notice appear in a newspaper of general local circulation at least 10 days prior to the hearing, unless the community approves an ordinance or resolution allowing for the CDBG public hearing notice to be posted at city hall and on the city website at least 10 days before the hearing

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN THAT:

1. The City Council of Madison Heights allows for the public hearing notice to appear in a posting at the City Hall and on the city website at least 10 days before the hearing.

City Council Special Meeting
Madison Heights, Michigan
November 10, 2022

A City Council Special Meeting was held on Thursday, November 10, 2022 at 6:00 PM at Executive Conference Room, City Hall 300 W. 13 Mile Rd.

PRESENT

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

ABSENT

Councilwoman Toya Aaron

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman

MEETING OPEN TO THE PUBLIC:

There were no members of the public wishing to speak.

CC-22-305. Appointment of Acting Clerk.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Bliss, to appoint Melissa Marsh as the Clerk of the Special City Council meeting of November 10, 2022.

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

Absent: Councilwoman Aaron

Motion carried.

CM-22-306. Pending Litigation - *EWM-Miller Wash, LLC v. City of Madison Heights*, which is exempt from disclosure as provided under the Section 8 of the Open Meetings Act.

Motion made by Councilor Wright, Seconded by Councilor Rohrbach, to enter Closed Session to discuss pending litigation, *EWM-Miller Wash, LLC v. City of Madison Heights*, which is exempt from disclosure as provided under Section 8 of the Open Meetings Act.

Roll Call Vote:

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

Absent: Councilwoman Aaron

Motion carried.

City Council recessed to Closed Session at 6:32 p.m.

Mayor Grafstein reconvened the meeting at 7:39 p.m.

CC-22-307. Pending Litigation - EWM-Miller Wash, LLC v. City of Madison Heights.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to adopt the recommendation of the City Attorney made in Closed Session in the matter of *EWM-Miller Wash, LLC v. City of Madison Heights*.

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

Absent: Councilwoman Aaron

Motion carried.

ADJOURNMENT:

Having no further business, the meeting was adjourned at 7:42 p.m.

City Council Regular Meeting
Madison Heights, Michigan
November 28, 2022

A City Council Regular Meeting was held on Monday, November 28, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

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

ABSENT

Mayor Pro Tem Mark Bliss

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney Larry Sherman
Assistant City Attorney Jeff Sherman
Deputy City Clerk Phommady A. Boucher

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

CM-22-322. Excuse Councilmember.

Motion made by Councilwoman Aaron, Seconded by Councilman Soltis, to excuse Mayor Pro Tem Bliss from tonight's meeting.

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

Absent: Mayor Pro Tem Bliss
Motion carried.

CM-22-323. Appointment of Acting City Clerk.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to appoint Deputy City Clerk Phommady A. Boucher as the Acting City Clerk for tonight's City Council meeting.

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

Absent: Mayor Pro Tem Bliss
Motion carried.

CM-22-324. Addition to the Agenda.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to add the following item to the agenda:

under Consent Agenda, *Tentative Agreement with the 43rd District Court.*

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

Absent: Mayor Pro Tem Bliss

Motion carried.

PRESENTATIONS:**City Auditors (Plante Moran) Financial Audit Presentation.**

Martin Olejnik and Keith Szymanski representing the City's Auditing firm, Plante Moran, presented for Council their review of the City's financial statements for the fiscal year ended June 30, 2022. Mr. Olejnik also reviewed Plante Moran's letter to City Council. In response to Councilman Soltis, Mr. Olejnik stated the General Fund Revenue interest in the amount of \$261,317 is the fair market value and investments will be held to maturity.

Mayor Grafstein thanked City Manager Marsh, Finance Director/Treasurer Kunath and the Finance Department for a job well done.

MEETING OPEN TO THE PUBLIC:

Martha Covert, resident, commented that the Small Business Saturday was fabulous and thanked Councilwoman Toya Aaron on all her hard work. She did not agree that the Downtown Development Authority (DDA) took credit for the event.

CONSENT AGENDA:

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

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-325. Emergency Firewall Implementation Due to Construction Request Library Secondary Firewall.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Emergency Firewall Implementation Due to Construction Request Library Secondary Firewall to BPI in the amount of \$17,345.51.

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-326. Designated Assessor Interlocal Agreement and Resolution.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Designated Assessor Interlocal Agreement and Resolution, approved and adopted by the Oakland County Board of Commissioners to name Oakland County Equalization officer Michael R. Lohmeier, MMAO, as Designated Assessor from January 1, 2023 through December 31, 2027, and authorize the Mayor and City Clerk to sign on behalf of the City.

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-327. Regular City Council Meeting Minutes of November 14, 2022.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Regular City Council meeting minutes of November 14, 2022, as printed.

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-328. Tentative Agreement with the 43rd District Court

Motion made by Councilor Rohrbach, Seconded by Councilor Wright to approve the Tentative Agreement with the 43rd District Court.

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-329. Resolution to Create a Charter Revision Study Committee.

City Manager Marsh reviewed option 1 and 2 of the Charter Revision Study Committee resolution.

Assistant City Attorney J. Sherman spoke about past amendments to the City Charter to include 2004 Section 5.7, 2005 Section 3.4, and 2007 Section 9.1. He recommended the adoption of option 1 of the resolution.

Mayor Grafstein suggests current board member Chairmans and Vice-Chairmans given first opportunity on the Charter Revision Study Committee. They have been working as volunteers and shown interest for the city.

The group further discussed the membership, resident members, completion date and meetings sections of the Charter Revision Study Committee resolution.

Motion made by Councilman Fleming, Seconded by Councilor Wright to approve option 1 of the Resolution to create a Charter Revision Study Committee with the following amendment:

the Charter Revision Study Committee changed to Charter Amendment Study Group

**AMENDED AND RESTATED RESOLUTION FOR THE CREATION OF A CHARTER
AMENDMENT STUDY GROUP**

WHEREAS, although the Madison Heights City Charter (the “Charter”) has served the City of Madison Heights (the “City”) well for many years, the Mayor and City Council (collectively the “Council”) are cognizant of the importance to review, from time-to-time, and amend those Charter provisions that may be outdated, obsolete or unreflective of current conditions;

WHEREAS, Charter amendments must be carefully considered and accurately drafted with expert and professional input;

WHEREAS, Charter amendments must be approved by the Council, the Attorney General for the State of Michigan, and the Governor of the State of Michigan, prior to being placed on the ballot, and submitted to the voters for approval or disapproval;

WHEREAS, Council, pursuant to its 2018/2019 adopted goal HH, completed a Boards and Commissions Review and established a Charter Revision Committee, even though there were no pending Charter issues or amendments to consider at the time;

WHEREAS, some technical Charter amendment issues have arisen recently regarding the offices of Mayor, Mayor Pro Tem and Council, necessitating this Amended and Restated Resolution.

NOW THEREFORE BE IT RESOLVED:

That the City Council of the City of Madison Heights does hereby amend and restate, in its entirety, the Charter Revision Committee as follows:

Name: The name of the Charter Revision Committee shall be changed to the Charter Amendment Study Group.

Scope: The Charter Amendment Study Group (the “Study Group”) shall carefully consider, accurately draft, and propose options for Charter amendments referred to it by Council. The

Study Group shall also submit its recommendations to Council for consideration and appropriate action.

Membership: The Study Group shall consist of seven (7) members: The City Manager, the City Attorney, and five (5) residents, each of whom shall have one (1) vote.

Resident Members: The five (5) resident members shall be appointed on an ad hoc basis (meaning when necessary or as needed to consider a specific referral or referrals from Council). The resident members shall serve until a designated completion date set by Council (as described below). Since the Council's goal is to create an apolitical and technocratic Study Group devoid of political partisanship, the following individuals are ineligible to serve: (i) Mayoral or Council candidates in the previous two (2) election cycles and (ii) the current Mayor and Council members.

Chairperson and Vice Chairperson: The five (5) resident members shall appoint a Chairperson and Vice Chairperson from among its members to serve for the duration of the Study

Group's term. The City Manager and City Attorney may not serve as Chairperson or Vice Chairperson.

Experts or Professionals: The Study Group may consult with outside experts or professionals when necessary or needed.

Completion Date: Upon appointment of the members, Council shall designate a completion date for the Study Group's work and the members shall serve until the completion date specified by Council, provided that said completion date shall not be less than ninety (90) days from the date of appointment.

Meetings. Upon appointment of members, the Study Group shall meet as required and agreed upon by its members. A quorum shall constitute four (4) members present at the meeting. Any action of the Study Group shall require a concurrence of the majority of the quorum present at the meeting. The Study Group's meetings shall not be subject to the Michigan Open Meetings Act (1976 Public Act 267, being specifically MCL 15.261 15.275, as amended) because its sole purpose is to study and examine an issue or issues referred to it by Council and is only capable of making recommendations to Council concerning the exercise of governmental authority, in conformity with OAG 1997-1998, No. 6935, p. 18 (April 2, 1997) and OAG No. 5183, p. 40.

Voting Yea: Councilwoman Aaron, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Voting Nay: Mayor Grafstein

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-330. Ordinance 2190 - Amendment Library Advisory Board Membership, Second Reading.

Motion made by Councilwoman Aaron, Seconded by Councilor Rohrbach, to adopt Ordinance No. 2190, Amendment to Library Advisory Board Membership, on Second Reading:

**ORDINANCE NO. 2190
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 2, Article XVI, Sections 2-331 through 2-335 of the Code of Ordinances, City of Madison Heights, Michigan, to establish a city library advisory board in the City to study and recommend short and long-term improvements to the city's library system.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

Chapter 2, Article XVI, Sections 2-331 through 2-335 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

ARTICLE XVI. LIBRARY ADVISORY BOARD

Sec. 2-331. Commission established, purpose, scope.

(a) There is hereby established a board to be known as the Madison Heights Library Advisory Board.

(b) Scope.

- (1) The board is a non-administrative board serving solely in an advisory capacity. In that capacity, the board may recommend action to the council, but may not assume any legislative or administrative authority in the operation of the library department. Nothing contained in this article shall relieve the library director of their responsibility for the administration of the department nor limit his/her authority. The purpose of the board is to help by serving as an advisory group.
- (2) The board shall study and make a written recommendation to the city council concerning short and long-term improvements to the city's library system, including:

- (A) To analyze the community's library service needs including but not limited to physical space, technological requirements, staffing, and hours of operation; and
 - (B) When appropriate, generate a report outlining goals and objectives and a related plan (including timelines and cost) for implementation.
- (3) The board exists to promote an outstanding library program for the citizens of the city. In pursuit of this objective, it shall serve as:
- (A) A forum for the careful consideration of policy matters related to the operation of the library system; and
 - (B) A voice for the department in the community and a voice for the community in the department; and
 - (C) An advisor to the director when requested by him/her; and
 - (D) A recommending body to the city council on matters of general department policy.

Sec. 2-332. Membership.

- (a) The board shall be composed of nine members to be appointed by the city council, three (3) member alternates, and five ex officio members who shall be the City Manager or their designee, the library director, and three student representatives to be appointed by the board staff liaison. Alternate members may serve as non-voting ex-officio members when all members are present. Voting members shall be as follows:
 - (1) One member from among the members of the council and eight members and three (3) alternate from the residents of the city-at-large. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate.
 - (2) The City Manager or their designee and library director shall be ex officio members without a vote.
 - (3) Terms of the resident members are two (2) years. Councilmember appointments are two (2) year terms until the next Regular City Council election.
 - (4) The three (3) nonvoting student members shall be appointed by the staff liaison and shall serve as long as they are willing and a student at a school located in Madison Heights.
 - (4) A chair and vice-chair shall be elected annually by the membership.
- (b) Voting members of the library advisory board shall serve without pay.

Sec. 2-333. Conduct of Meetings.

- (a) The board may adopt such rules and regulations as may be necessary for the transaction of its business.
- (b) The board shall follow Robert's Rules of Order and keep a record of its proceedings. All meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- (c) Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require concurrence of the majority of the quorum present at the meeting.

Secs. 2-334 – 2-335. Reserved.

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. Inspection.

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

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

Absent: Mayor Pro Tem Bliss

Motion carried.

CM-22-331. Ordinance 2191 - Amendment to Parks and Recreation Board Membership, Second Reading.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to adopt Ordinance No. 2191, Amendment to Parks and Recreation Board Membership, on Second Reading:

**ORDINANCE NO. 2191
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 19, Article III, Sections 19-28 through 19-32 of the Code of Ordinances, City of Madison Heights, Michigan, to establish a city parks and recreation advisory board in the City to study and recommend short and long-term improvements to the city's parks and recreation system.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Amendment.

That Chapter 19, Article III, Sections 19-28 through 19-32 of the Code of Ordinances, City of Madison Heights, Michigan, are hereby amended in their entirety to read as follows:

ARTICLE III. – PARKS AND RECREATION ADVISORY BOARD

Sec. 19-28. Commission established, purpose, scope.

- (a) There is hereby created the Parks and Recreation Advisory Board.
- (b) Scope.
 - (1) The board is a non-administrative board serving solely in an advisory capacity. In that capacity, the board may recommend action to the council, but may not assume any legislative or administrative authority in the operation of the parks and recreation divisions. No action of the board can relieve the supervisors of parks and recreation of their responsibility for the administration of the division nor limit their authority. The purpose of the board is to help by serving as an advisory

group.

- (2) The board exists to promote an outstanding recreational and parks programming for the citizens of the city. In pursuit of this objective it shall serve as:
 - (A) A forum for the careful consideration of policy matters related to the operation of the recreation and parks programs including maintenance and development of the parks system;
 - (B) An advisory to the supervisors when requested;
 - (C) A recommending body to the city council on general policy;
 - (D) A recommending body to the city council on long-term recreational and park planning and policy.

Sec. 19-29. Membership.

- (a) The board shall be composed of nine (9) voting members, one (1) City Council representative, six (6) to be appointed by the mayor with the approval of the city council, two (2) school board representatives; three (3) student representatives, four (4) ex officio members, and three (3) alternates shall be non-voting, as follows:
 - (1) One member from among the members of the city council, one member from the Madison School District and one member from the Lamphere School District, and six members from the residents of the city-at-large; each shall have one vote.
 - (2) Three students to be appointed by the board staff liaison. The student representatives shall be nonvoting and shall serve as long as they are willing and a student in a school located in Madison Heights.
 - (3) One Council alternate and two alternate members from the residents of the city-at-large shall be non-voting ex-officio members; In the case of the delegate from either the Lamphere School District Board or the Madison School Board or both, the said school boards may designate an alternate school district delegate who shall sit only in the absence of the regularly appointed school district delegate and who shall have the same authority and powers as such regularly appointed school district delegate. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate. In the case of the resident at-large delegates, the mayor with the approval of the city council, may designate two (2) alternate delegates who shall sit only in the absence of a regularly appointed resident at-large delegate and who shall have the same authority and powers as such appointed resident at-large delegate.
- (3) The Department of Public Services Director, a Department of Public Services

Supervisor, the Recreation Coordinator, and one Oakland County Parks and Recreation staff member shall be ex officio members without a vote.

- (4) Appointees should have a keen interest and personal knowledge of recreational programs for children and adults; and, in park programs for individuals and families.
- (5) Terms of the citizen members are two (2) years and are staggered. Councilmember appointments are two (2) year terms until the next Regular City Council election.
- (6) Members of the parks and recreation advisory board shall serve without pay.
- (7) If an at-large board member is elected to school board office, they are able to complete their current term as an at-large member.
- (8) The board shall elect a chairperson from its membership annually.

Sec. 19-30. Conduct of Meetings.

- (a) Regular meetings of the board shall be held as needed.
- (b) With the approval of the city council, the board may adopt such rules and regulations as may be necessary for the transaction of its business.
- (c) The Commission shall follow Robert's Rules of Order and keep a record of its proceedings. All Meetings shall be noticed and conducted in accordance with the Michigan Open Meetings Act (1976 PA 267, MCL 15.261 through 15.275, as amended).
- (d) Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require a concurrence of the majority of quorum present at the meeting.

Secs. 19-31 – 19-43. Reserved.

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. Inspection.

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

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

Absent: Mayor Pro Tem Bliss

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron thanked all the volunteers for the Holiday Tree Lighting ceremony. She had the pleasure of seeing Santa's arrival, but she was more excited about the Grinch. The Small Business Vendor event took two months of preparation and there were twenty-five participants ranging from coffee, floral, Christmas decor, cookies, to pet products. Please visit Toya Aaron's Facebook page for a list of vendors and their websites. Councilwoman Aaron thanked the DDA for their partnership on this event. She expressed her appreciation to Mayor Grafstein, Councilor Wright, and Councilor Rohrbach for shopping at the event. Councilwoman Aaron recognized Mary Harp from the Madison Heights School Board for her toy donations. She acknowledged the 168 Asian Mart for donating fruit snacks, fruits, and water. Councilwoman Aaron expressed her

gratitude to Congresswoman Haley Stevens for attending the event. If you know anyone that needs a coat, please email toyaaaron@mdison-heights.org for more information. She congratulated the door prize winner of the three-day Bahama cruise on Carnival, compliments of Aaron on the Go Travel.

Councilor Wright thanked Councilwoman Aaron for a great job on the Small Business Vendor event. He mentioned that the Grinch seemed like a nice character at the Holiday Tree Lighting ceremony. Councilor Wright talked about seasonal depression, he encouraged everyone to say hello to a stranger and give a smile. He reminded all to be kind and wished everyone a Happy Holiday.

City Attorney L. Sherman hopes that everyone had a nice Thanksgiving holiday. He thanked Councilwoman Aaron for a successful Small Business Vendor event. City Attorney L. Sherman said the Grinch is one of his favorite Christmas characters.

City Manager Marsh greatly appreciates the City Council and all the residents for their comments, cards, and flowers for her mother's passing. She recognized the Recreation and DPS Department for all their hard work on the Holiday Tree Lighting ceremony. There were positive comments from the residents and a great way to kick off the holiday season.

Deputy City Clerk wished a Happy Holidays to the residents of Madison Heights.

Councilor Rohrbach congratulated Councilwoman Aaron for making the Small Business Vendor a fun event. She had the pleasure of visiting and recommends the Michigan Roots Artisan Shoppe on John R. Councilor Rohrbach praised the DPS for all their hard work on the Holiday Tree Lighting ceremony. She recently visited Super Taco on John R and suggest for the holidays a tamale night. Councilor Rohrbach shared that the Library hosts Author Talks on December 10th with Fredrik Backman and December 14th with Nicole Eustace.

Councilman Fleming complimented the DPS for getting the fifty-two light posts in operation around the DDA District.

Councilman Soltis admitted that he has been the Grinch for five to six years at the Holiday Tree Lighting ceremony and he will be participating in a book reading at the Library. He shared a memorable moment as the Grinch taking a photo holding someone's baby.

Mayor Grafstein gave credit to Councilman Soltis, the sponsors, volunteers, and staff for another wonderful event at the Holiday Tree Lighting ceremony. She especially thanked DPS for setting up all the lights and decorations for the occasion. Mayor Grafstein applauded Councilwoman Aaron for a successful Small Business Vendor event. She recognized the Michigan Roots Artisan Shoppe on John R as a new business. Mayor Grafstein had the pleasure of working with the Lions Club to deliver dictionaries to the Third-Grade students of Madison Heights and Lamphere School Districts. She talked about mental health, depression, and Seasonal Affect Disorder (SAD). If anyone has ideas or suggestions, feel free to contact her directly via email at roslyngrafstein@madison-heights.org. Remember to give people grace because you don't know what is going on in their lives. The next council meeting is December 12th.

ADJOURNMENT:

Having no further business, the meeting was adjourned at 8:38 p.m.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Giles Tucker - CED

AGENDA ITEM CONTENT: CDBG - Recommendations for PY 2023 Application

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: \$145,607

FUNDS REQUESTED: \$137,359

FUND: 276 - CDBG

EXECUTIVE SUMMARY:

The City of Madison Heights CDBG application is due to Oakland County by December 23, 2022.

RECOMMENDATION:

Staff recommends that Council approve CDBG PY 2023 funding as follows:

Edison Park Parking Lot (ADA accessible)	\$70,000.00
Senior Service (Lawn Cutting Services)	\$41,207.70
Minor Home Repair	\$26,151.30
Anticipated Allocation Totals	\$137,359.00

* It is important to note that CDBG funding is still being utilized for Code Enforcement in the applicable area, however we have past funding still available to cover this expense in PY 2023.

MEMORANDUM

DATE: November 8, 2022

TO: Melissa Marsh - City Manager

FROM: Giles Tucker - Community & Economic Development Director

SUBJECT: CDBG Recommendations for PY 2023 Application

SUMMARY:

Last year staff was informed by Oakland County that the CDBG Committee had been replaced with the requirement for City Council to post a 10-day public hearing notice, hold a public hearing and approve a CDBG budget. As communicated to City Council in the November 18, 2021, Weekly Status report, the CDBG Committee was dissolved. Under these new requirements, City Council must approve a PY2023 CDBG application before Oakland County's deadline of December 23, 2022.

STAFF ANALYSIS:

Traditionally, the CDBG program funded two main programs: Code Enforcement and Yard Service for low-income seniors and those with disabilities. Last year, City Council approved adding two new programs: Minor Home Repair and Mobile Home Minor Repair. Unfortunately, we have still not received notice from HUD whether our application was approved. Oakland County anticipates they will hear from HUD sometime in December 2022. For this reason, staff hasn't been able to evaluate the efficacy of these programs and make funding request adjustments. However, staff is aware that there are a greater number of single-family homes that last year's funding would cover; therefore, staff has proposed to increase allocations to Minor Home Repair this Program Year (PY).

Also, like in prior years, staff received a funding request from Haven of \$2,500. This request has been submitted to the Police Department for continued support through the Police Drug Forfeiture fund.

STAFF RECOMMENDATION:

To maximize the impact of the anticipated \$137,359 in CDBG allocation we expect to receive, staff recommends that activities and funding of the PY 2023 CDBG application should be as follows:

1. Edison Park Parking Lot (ADA Accessible)	\$ 70,000.00
2. Senior Service- (Lawn Cutting Service)	\$ 41,207.70
3. Minor Home Repair	\$ 26,151.30
Anticipated Allocation Total	\$137,359.00



AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Chris Morrision - BPI

AGENDA ITEM CONTENT: Purchases Security Cameras

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: \$0

FUNDS REQUESTED: \$18,560

FUND: 101-General Gov & Election

EXECUTIVE SUMMARY:

The FY 2023-27 Strategic Plan includes the action items:

1.2.a - Evaluate security as a key element in the renovation/rebuild of the Civic Center project and Fire Station #2 renovation; and 1.2.b. - Increase security for elections by installing security cameras at ballot drop boxes (interior and exterior).

Therefore, security cameras were discussed at the May ITAC meeting with a recommendation for Cisco Meraki equipment. BPI, staff and the Police Department did review possible camera locations and identified 21 locations. The City Clerk has received a grant to fund \$1,260 with additional funding to be allocated from the General Fund as a budget amendment.

RECOMMENDATION:

Staff recommends City Council approve a budget amendment for \$18,561 to 101-228-982-0000 and approve the purchase from CDW of 21 Cisco Meraki security cameras including the licenses subscription of \$3,990. These cameras are available through the Michigan Master Computing MiDEAL program with CDW and will cover City Hall, Active Adult Center and Library including the exterior camera for the election drop box.

* It is important to note that CDBG funding is still being utilized for Code Enforcement in the applicable area, however we have past funding still available to cover this expense in PY 2023.



Thank you for choosing CDW. We have received your quote.

Item 7.

Hardware Software Services IT Solutions Brands Research Hub

Review and Complete Purchase

CHRIS MORRISON,

Thank you for considering CDW•G for your technology needs. The details of your quote are below. **If you are an eProcurement or single sign on customer, please log into your system to access the CDW site.** You can search for your quote to retrieve and transfer back into your system for processing.

For all other customers, click below to convert your quote to an order.

Convert Quote to Order

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
NBLN695	10/20/2022	CISCO CAMERAS	4558647	\$18,560.00

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
Cisco Meraki Varifocal MV72 Outdoor HD Dome Camera With 256GB Storage - net Mfg. Part#: MV72-HW UNSPSC: 46171610 Contract: Michigan Master Computing-MiDEAL Cisco (071B6600110)	1	5357671	\$1,070.00	\$1,070.00
Cisco Meraki Enterprise - subscription license (1 year) + 1 Year Enterprise Mfg. Part#: LIC-MV-1YR UNSPSC: 43233204 Electronic distribution - NO MEDIA Contract: Michigan Master Computing-MiDEAL (071B6600110)	21	4314351	\$190.00	\$3,990.00
Cisco Meraki Wide Angle MV12 Mini Dome HD Camera - network surveillance cam Mfg. Part#: MV12W-HW UNSPSC: 46171610 Contract: Michigan Master Computing-MiDEAL Cisco (071B6600110)	20	4998338	\$675.00	\$13,500.00

SUBTOTAL	\$18,560.00
SHIPPING	\$0.00
SALES TAX	\$0.00
GRAND TOTAL	\$18,560.00

PURCHASER BILLING INFO	DELIVER TO
Billing Address: CITY OF MADISON HEIGHTS 300 W 13 MILE RD MADISON HEIGHTS, MI 48071-1853 Phone: (248) 583-0826 Payment Terms: NET 30-VERBAL	Shipping Address: CITY OF MADISON HEIGHTS ATTN: IT DEPARTMENT 300 W 13 MILE RD MADISON HEIGHTS, MI 48071-1853 Shipping Method: DROP SHIP-GROUND
Please remit payments to:	



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AGENDA ITEM SUMMARY FORM

MEETING DATE: 12/12/22

PREPARED BY: Greg Lelito - Fire Chief

AGENDA ITEM CONTENT: Purchase Fire Gear Washer and Dryer

AGENDA ITEM SECTION: Bid Awards/Purchases

BUDGETED AMOUNT: \$25,000

FUNDS REQUESTED: \$4,404.22

FUND: 468

EXECUTIVE SUMMARY:

Appliances including a new gear washer and dryer for Fire Station #2 is included in the Fire Station #2 Construction project budget. The City has worked to supplement our budget in all areas with grant funding. As such in September we were notified the Fire Department was awarded an Assistance to Firefighter Grant (AFG) for (2) gear washers and dryers (one for each station). This grant required a 10% match.

Staff issued request for bids for this equipment under grant guidelines with bids received for a total of \$48,446.44

RECOMMENDATION:

Staff recommends City Council approve the purchase of fire gear washer and dryers under the FEMA FY 2021 AFG in the amount of \$48,273.82.

INTEROFFICE**MEMORANDUM**

To: Melissa Marsh, City Manager

From: Greg Lelito, Fire Chief

Re: AFG Grant Purchase

Date: 11/30/22

CC: Amy Misczak, HR Director/Purchasing Coordinator

This past September, the Fire department was awarded an Assistance to Firefighter Grant (AFG) for (2) turnout gear washers and (2) turnout gear dryers, one for each fire station totaling \$60,000. The AFG grant approved \$54,545.45 of Federal funding. The City must contribute 10% of the remaining grant amount up to \$5,454.55.

On October 25, 2022, two separate bid packages were posted on the Michigan Intergovernmental Trade Network (MITN), one outlining the gear washer specifications and another for the gear dryer. On November 8, 2022, the washer bids were opened, with three vendors responding, and on November 9, 2022, the dryer bids were opened, with two vendors responding. All submittals met all the requirements outlined in the bid specifications.

Staff and I recommend that the Council award the AFG purchase to the following lowest qualified vendors:

Vendor	Quantity	Description	Unit Price	Total Amount
Universal Laundry Machinery	2	UniMac 40lb. Turnout Gear Washer, including freight and installation	\$12,234.00	\$24,468.00
Ram Air Gear Dryer	2	Gear Dryer TG-6H, including freight	\$11,902.91	\$23,805.82

Grand Total \$48,446.44

The AFG grant will fund \$44,042.22 of the total, and the remaining \$4,404.22 will be funded by the City's 10% match.

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

**ITB 1059 Fire Dept Gear Washer/Extractor
Bid Opening 11/08/22**

**Model UniMac Washer/Extractor UCT040QN0G with 40 lb stainless steel drum
8# riser base, includes delivery and instalation**

	Company Name	BASE PROPOSAL - LUMP SUM	MEETS SPECS Y/N
1	Universal Laundry	\$24,468.00	y
2	PKJ International	\$32,220.00	y
3	Wisecom Technologies	\$33,364.00	y

	Company Name	BASE PROPOSAL OPTION 1 2 (TWO) RAM AIR TG-4H - LUMP SUM	BASE PROPOSAL OPTION 2 2 (TWO) RAM AIR TG-6H - LUMP SUM	MEETS SPECS Y/N
1	Ram Air Gear Dryer	\$20,185.82	\$23,805.82	y
2	PKJ International	\$24,300.00	\$28,660.00	y



City of Madison Heights

City Hall Municipal Offices
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Department of Public Services
801 Ajax Drive
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

Police Department
280 W. Thirteen Mile Road
Madison Heights, MI 48071

www.madison-heights.org

The following is an excerpt from the Regular Meeting of the Madison Heights City Council, Madison Heights, Oakland County, Michigan held on December 12, 2022, at 7:30 p.m. Eastern Time.

Present: Mayor Grafstein and Mayor Pro Tem Bliss. Councilmembers: Aaron, Fleming, Rohrbach, Soltis and Wright.

Absent: None.

CM-22-342. Resolution in Support for DNR Spark Grant.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright, to adopt the Local Support for DNR Spark Grant Resolution, as follows:

RESOLUTION – LOCAL SUPPORT FOR DNR SPARK GRANT

WHEREAS, The Madison Heights City Council supports the City's submission of the DNR Spark Grant application titled "12-Sherry Park Overhaul " to the Department of Natural Resources for Park Upgrades at 1500 Twelve Mile Rd, Madison Heights MI 48071, also known as 12-Sherry Park; and,

WHEREAS, the location of the proposed project is within the jurisdiction of the City of Madison Heights; and,

WHEREAS, The following upgrades will be made to the park if awarded funding, New Play structure, the Addition of a Pavilion, the addition of up 15 trees (depending on space) addition of Pickleball and Basketball courts, parking lot improvements, and Ballfield backstop replacement.

WHEREAS, the proposed project, if completed, will be a benefit to the community; and,

WHEREAS, with this resolution of support, it is acknowledged that Madison Heights City Council *supports the City in this endeavor.*

NOW THEREFORE, BE IT RESOLVED that the Madison Heights City Council hereby supports submission of a Spark Grant Application for 12-Sherry Park Overhaul by the Michigan DNR (Department of Natural Resources).

Area Code (248)

Assessing858-0776
City Clerk583-0826
City Manager.....583-0829
Community Development583-0831
Department of Public Services589-2294
Finance583-0846

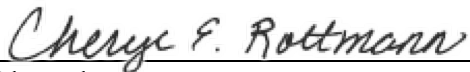
Fire Department583-3605
43rd District Court583-1800
Housing Commission583-0843
Human Resources.....583-0828
Library588-7763
Mayor & City Council.....583-0829

Nature Center585-0100
Police Department585-2100
Purchasing837-2602
Recreation589-2294
Senior Citizen Center.....545-3464
Water & Treasurer583-0845

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

CERTIFICATION:

I, Cheryl E. 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 resolution adopted by the Madison Heights City Council at their Regular Meeting held on December 12, 2022.



Cheryl E. Rottmann
City Clerk