



CITY OF MADISON HEIGHTS
CITY HALL - COUNCIL CHAMBERS, 300 W. 13 MILE RD.
CITY COUNCIL REGULAR MEETING AGENDA
FEBRUARY 13, 2023 AT 7:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - MAYOR PRO TEM BLISS

APPROVAL OF THE AGENDA:

- [1.](#) Additions/Deletions

PRESENTATIONS

- [2.](#) 2023 Random Acts of Kindness Proclamation

PUBLIC HEARINGS:

- [3.](#) Special Approval Request PSP 22-11 - 1275 & 1301 W. 14 Mile Road - Auto Wash

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE

MEETING OPEN TO THE PUBLIC:

CONSENT AGENDA:

- [4.](#) CED Fee Schedule Amendment - Landlord Licensing Term
- [5.](#) City Council Special Meeting Minutes of January 23, 2023
- [6.](#) City Council Regular Meeting Minutes of January 23, 2023

COMMUNICATIONS:

REPORTS:

- [7.](#) Interlocal Agreement - Oakland Together Senior Center Matching Grant
- [8.](#) Amendment of Parks/Facility Naming Criteria and Designating Names
- [9.](#) Charter Amendment Study Group Appointments

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

- [10.](#) DPS - 2023 Water Main Pipe and Parts Bid Award

ORDINANCES:

- [11.](#) DPS - Ordinance 2192 (Illicit Discharge Elimination Plan (IDEP) Ordinance): Second Reading

UNFINISHED BUSINESS:

MINUTES:

EXECUTIVE SESSION:

ADJOURNMENT

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

DATE: February 7, 2023

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, February 13, 2023

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, February 13, 2023.

PRESENTATIONS:

2023 RANDOM ACTS OF KINDNESS PROCLAMATION

Council is requested to approve the week of February 14 – 20, 2023, as “Random Acts of Kindness Week,” urging all citizens to join in observing the week with appropriate activities and to remind everyone that KINDNESS IS NOT AN ACT – KINDNESS IS A WAY OF LIFE.

PUBLIC HEARINGS:

SPECIAL APPROVAL REQUEST PSP 22-11 ‘EL CAR WASH’ – 1275 and 1301 W. 14 MILE ROAD

Special Approval has been requested by Samantha Burgner, c/o Alrig USA, on behalf of El Car Wash for an auto wash facility at 1275 and 1301 W. 14 Mile Road under Section 10.326(8) of the Zoning Ordinance. This location is currently zoned B-3, General Business which permits auto wash facilities through the special approval process outlined in Section 10.201 of the Zoning Ordinance.

The applicant has submitted a conceptual site plan, color renderings, traffic study, and project narrative. The proposed auto wash facility features a single-tunnel wash, a small retail component, three pay stations, queuing lines, and 19 outdoor vacuum stations. In addition, El Car Wash partners with Mojo’s Donuts, and an outdoor patio space is depicted on the site plans.

While staff has concerns regarding the proliferation of auto-oriented uses in Madison Heights, we acknowledge that the site’s proximity to the I-75/14 Mile Road interchange and location along a principal arterial road makes it conducive for such uses. In addition, the proposed project would allow for the redevelopment of a vacant commercial site and eliminate an under-utilized parking area. Further, the project would introduce a modern shopfront-style façade with a retail component along the 14 Mile Road frontage, which staff believes could activate and add unique character to the streetscape.

If approved, the applicant will need to obtain a variance from the Zoning Board of Appeals to accommodate the outdoor vacuuming stations, with additional potential variances for hours of operation and roof signage.

Staff recommends that City Council approve PSP 22-11 with conditions based on the findings listed within the staff report after the required public hearing.

CONSENT AGENDA:

It is the recommendation that the City Council approve the following items as part of the Consent Agenda:

CED FEE SCHEDULE AMENDMENT – LANDLORD LICENSING TERM

Initially, staff established the Landlord Licensing with expiration terms every three years, the minimum amount of time allowed by law. However, throughout the years, with scheduling and response from landlords, some of these inspections are off cycle by a few months, often falling shy of the three-year minimum requirements. Therefore, the staff is requested to change this process to a four-year expiration cycle allowing us more flexibility with scheduling inspections. This change is also expected to reduce inspection costs.

REPORTS:

INTERLOCAL AGREEMENT OAKLAND TOGETHER SENIOR CENTER GRANT

The Oakland County Board of Commissioners approved amended Miscellaneous Resolution #22-280 and assigned \$5,000,000 in ARPA LFRF funds to support Oakland Together Senior Initiatives, a grant program to provide Oakland County local governments and nonprofit senior organizations with financial assistance for senior center enhancements, such as capital, technology, infrastructure, equipment improvements, and/or professional development. The City of Madison Heights applied for maximum funding through this grant and was awarded \$250,000. Matching funds are available in the Civic Center Plaza Construction Fund designated for the new Active Adult Center.

It is the recommendation that the City Council approve the Interlocal Agreement between Oakland County and the City for the Oakland Together Senior Center Matching Grant and authorize the City Manager to execute this agreement on behalf of the City.

AMENDMENT OF PARKS/FACILITY NAMING CRITERIA AND DESIGNATING NAMES

The Madison Heights Historical Commission made a recommendation at their January 11, 2023 meeting that Council removes the criteria that a person be deceased more than two (2) years before City Council considers naming a park or facility in their honor/memory and move forward with naming the Library Teen Room for Robert Corbett, new pickleball courts at Ambassador Park for Robert Gettings, and renaming Ambassador Park itself for Gary McGillivray.

At the January Library Advisory Board meeting, they recommended naming the Library Children's Room for Robert Corbett instead, as there is no Teen Room, only a Teen-designated space.

If City Council accepts the recommendation of the Historical Commission, two motions should be made:

1. Amend the Parks/Facility Naming Policy criteria to remove the two (2) provisions "A person, decreased more than two (2) years, who provided exceptional service in the interest of the park system as a whole or for the community as a whole.
2. Motion to name the Library Teen Space (or Children's Room) for Robert J. Corbett, new pickleball courts at Ambassador Park for Robert B. Gettings, and rename Ambassador for Gary R. McGillivray.

CHARTER AMENDMENT STUDY GROUP APPOINTMENTS

At the Regular City Council meeting on November 28, 2022, City Council adopted a resolution forming the Charter Amendment Study Group ("Study Group"). The resolution stated that the Study Group should carefully consider, accurately draft, and propose options for Charter amendments referred to by Council. The Study Group shall also submit its recommendations to Council for consideration and appropriate action.

Following this meeting, staff created, published, and promoted the application to be a member of the Study Group, which has seven applicants.

On February 27, City Council is scheduled to have a Council workshop before the Regular City Council to discuss Charter issues to be referred to the Study Group. Ahead of this meeting, the staff recommends City Council appoint the five (5) Charter Amendment Study Group members.

BID AWARDS/PURCHASES:

2023 WATER MAIN PIPE AND PARTS BID AWARD

In anticipation of the upcoming 2023 proposed water main replacement projects, DPS Staff and Purchasing prepared and posted Invitation to Bid (ITB) #MH-1064 "2023 Water Main Replacement Pipe and Parts" on the MITN online cooperative bidding system. As a result, we received three sealed bids before the deadline. Core & Main submitted the lowest complete qualifying bid for a total estimated project amount of \$266,272.54.

Core & Main is our current supplier of water main repair parts and has also been the low bid for many of our water main replacement projects over the years. DPS continues to have a positive, long-standing business relationship with Core & Main, who consistently provide responsive service, and offer a vast portfolio of high-quality parts and materials. As with past bids, it remains in the City's best interest to award a project bid to a sole bidder instead of splitting the bid to streamline the ordering and inventory management process and ensure timely project completion.

Therefore, staff and I recommend that Council award the bid for the 2023 water main replacement pipe and parts to the lowest responsible bidder who bid on all items listed, Core & Main, of Shelby Township, Michigan, for the unit prices specified. This represents a total project cost of \$266,272.54, and funds are budgeted and available for this purchase. Staff also requests that the Council motion include extending this bid to the upcoming proposed stand-alone water main projects at the unit prices identified, subject to FY 2023-24 Budget approval.

ORDINANCES:

ORDINANCE NO. 2192, STORMWATER ILLICIT DISCHARGE ELIMINATION PLAN ORDINANCE, SECOND READING

As a condition of our Municipal Separate Storm Sewer System (MS-4) permit, which allows the City of Madison Heights to discharge stormwater to the waters of the state, we are required to adopt an Illicit Discharge Elimination Plan (IDEP) ordinance.

As stated, the ordinance's purpose is to provide for the health, safety, and general welfare of the City of Madison Heights citizens through regulating non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal storm sewer system to comply with the National Pollutant Discharge Elimination System (NPDES) permit process requirements.

Presented for Council consideration is the proposed IDEP ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2192. This ordinance, as written, has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal Counsel. Staff recommends that Council approve Ordinance 2192 on the second reading.

**PROCLAMATION
RANDOM ACTS OF KINDNESS WEEK**

WHEREAS, our daily news is dominated by tragic stories of crime, violence and disaster, often leaving citizens with feelings of despair and helplessness; and,

WHEREAS, Twenty-seven years ago former Councilwoman Margene Scott created the very first proclamation and introduced *Random Acts of Kindness Week* to the City of Madison Heights, and has helped the City celebrate Random Acts of Kindness each year since through her dedicated services to the City and continues to do so after her retirement in 2019; and,

WHEREAS, Random Acts of Kindness Week is enacted to encourage Madison Heights residents to commit conscious acts of goodwill as an affirmation of the goodness and generosity of the human spirit; and,

WHEREAS, by performing small acts of kindness on a daily basis, we have an opportunity to recognize and celebrate the far-reaching effects we as individuals can have on the world around us; and,

WHEREAS, it is time for everyone to exemplify kindness in our daily lives, and make an effort to be better humans. KINDNESS IS NOT AN ACT – KINDNESS IS A WAY OF LIFE. The work of being kind never ends, and kindness is truly essential to our survival. Being kind every day is one way we can all make a difference.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council proclaim the week of February 14 – 20, 2023 as

ACTS OF KINDNESS WEEK

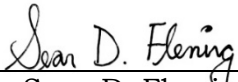
and urge all citizens to join in celebrating the week with acts of kindness, patience and understanding, and we challenge you to make kindness a way of life, all year long.



Roslyn Grafstein
Mayor



Toya Aaron
Councilwoman



Sean D. Fleming
Councilman



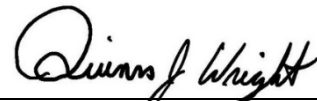
David M. Soltis
Councilman



Mark Bliss
Councilman



Emily J. Rohrbach
Councilor



Quinn J. Wright
Councilor



AGENDA ITEM SUMMARY FORM

MEETING DATE: 2/13/23

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Special Approval Request PSP 22-11 'El Car Wash' - 1275 & 1301 W. 14 Mile Road

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, Samantha Burgner c/o Alrig USA, on behalf of El Car Wash, requests Special Approval from City Council under Section 10.326(8) of the Madison Heights Zoning Ordinance for an auto wash facility at 1275 and 1301 W. 14 Mile Road (PINs 44-25-02-101-046 and 44-25-02-101-045). The property is zoned B-3, General Business.

RECOMMENDATION:

Staff recommends that City Council approve PSP 22-11 with conditions based on the findings listed within the staff report after the required public hearing.



MEMORANDUM

Date: February 6th, 2023
 CC Meeting: February 13th, 2023
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Special Approval Request PSP 22-11 – 1275 & 1301 W. 14 Mile Road – Auto Wash
 Recommendation: **Approval, with Conditions**

Request

The applicant, Samantha Burgner c/o Alrig USA, on behalf of El Car Wash, requests Special Approval from City Council under Section 10.326(8) of the Madison Heights Zoning Ordinance for an auto wash facility at 1275 and 1301 W. 14 Mile Road (PINs 44-25-02-101-046 and 44-25-02-101-045). The property is zoned B-3, General Business.

Background and Application

The applicant proposes to construct an express auto wash facility featuring a small retail component on the subject site, located on the south side of W. 14 Mile Road west of Stephenson Highway. The property is currently improved with a vacant restaurant building (formerly Applebee's) and an associated parking lot. The site features two separate taxable parcels with a combined area of 1.5 acres. The existing commercial structure would be demolished to accommodate the new development.

The property is zoned B-3, General Business, which permits auto wash facilities through the special approval process outlined in **Section 10.201** of the Zoning Ordinance. Auto wash facilities are also subject to the use-specific standards contained in **Section 10.326(8)**. The special approval criteria and use-specific standards are contained at the end of this report.

The images below depict the existing conditions of the commercial building and a rendering of the proposed auto wash development.

Existing Commercial Building (vacant)



Proposed Auto Wash

The applicant has submitted a conceptual site plan, color renderings, a traffic study, and a project narrative. The proposed auto wash facility features a single-tunnel wash, small retail component, three (3) pay stations and queuing lines, and nineteen (19) outdoor vacuum stations. Within the project narrative, the applicant states that the retail component will incorporate a, “mixed use concept allowing an additional use to the community adding character and activate the corridor with multiple services.” The narrative states that El Car Wash partners with Mojo’s Donuts, which is self-managed and independently operated. An outdoor patio space is depicted on the site plans and in the renderings.

The renderings illustrate a shopfront-style façade along W. 14 Mile Road to screen the outdoor vacuuming spaces and queuing areas. Additional site features and amenities are shown on the conceptual site plan, including site and right-of-way landscaping, two (2) electric vehicle charging stations, a bicycle rack, public sidewalk connections, and dumpster enclosure.

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, Land Use, and Transportation

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

	Existing Land Use	Existing Zoning
Site	Commercial (vacant restaurant)	B-3, General Business
North (across 14 Mile)	Light Industrial/Office	Office (City of Troy)
South	Commercial (hotel)	H-R, High-Rise
East	Commercial (restaurant)	B-3, General Business
West	Commercial (retail/restaurant)	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.*” Adjacent land uses, including properties to the north in Troy, are zoned for, and developed with, commercial, retail, office and light-industrial uses.

The subject site has primary frontage along W. 14 Mile Road. Per the Master Plan, 14 Mile Road is classified as a *principal arterial road*, which is intended to provide access to important traffic generators, such as major airports or regional shopping centers. The property is located approximately 1,200 feet from the I-175/14 Mile Road interchange.

The applicant has provided a traffic study conducted by Fleis & Vandenbrink. The traffic study concludes that the proposed auto wash use will not negatively impact the adjacent roadway, and that vehicle queuing can be adequately accommodated on the site. However, the study recommends that the applicant work with the Road Commission for Oakland County (RCOC) to install a right-turn deceleration taper on eastbound 14 Mile Road prior to the site driveway.

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 (across 14 Mile)	‘21 st Century Industrial’ (City of Troy)
South	Commercial
East	Commercial
West	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.*” Adjacent property, including property to the north in Troy, is planned for commercial and light industrial uses.

Environment and Sustainability

The project narrative provides a brief overview of proposed water re-use and recycling system. Per the narrative, the auto wash facility will be improved with holding tanks that will recycle and re-utilize grey water utilizing a reverse osmosis filtration system. A sand-oil separator treatment system is proposed to treat water prior to disposal into the wastewater sewer system.

Use-Specific Standards

Auto wash facilities are subject to the use-specific standards of **Section 10.326(8), listed in full at the end of this report.** The following standards are not currently met by the proposed development:

- *The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.*

The project narrative states that the car wash will operate between 7 a.m. and 9 p.m. The applicant will need to modify hours of operation or seek a variance from the Zoning Board of Appeals.

- *All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.*

Nineteen (19) outdoor vacuuming stations are proposed. The applicant will need to seek a variance from the Zoning Board of Appeals.

Additionally, staff notes that the conceptual renderings depict a large roof sign stating, “Welcome to Madison Heights.” Roof signs projecting above any portion of a roof are prohibited per city sign regulations, Section 10.511(IV)(A) of the Zoning Ordinance. The applicant will need to revise the location of this sign or alternatively seek a variance through the Zoning Board of Appeals.

Staff Analysis

While staff has concerns regarding the proliferation of auto-oriented uses (such as auto wash facilities) in Madison Heights, staff acknowledges that the site’s proximity to the I-75/14 Mile Road interchange and location along a principal arterial road makes it conducive for such uses. The proposed project would allow for the redevelopment of a vacant commercial site and eliminate an under-utilized parking area. Further, the project would introduce a modern shopfront-style façade with a retail component along the 14 Mile Road frontage, which staff believes could activate and add unique character to the streetscape. Several minor site plan modifications are needed to ensure compliance with the Zoning Ordinance and to ensure safe pedestrian movement on the property, which can be confirmed upon site plan review. The applicant will need to obtain a variance from the Zoning Board of Appeals to accommodate the outdoor vacuuming stations, with additional potential variances for hours of operation and roof signage.

Staff recommends the following conditions of approval to promote the use of land in a socially and economically desirable manner, ensure that the site is developed in substantial compliance with the provided conceptual plan and the Zoning Ordinance, and certify that the use does not operate in a manner that negatively-impacts adjacent properties:

- 1) Combine the two (2) separate parcels into a single parcel via the lot combination process.
- 2) Include a retail/food component and outdoor patio area on the site plan to activate the 14 Mile Road streetscape. The patio area shall be substantially consistent with the renderings, the exact location and design of which may be determined during the site plan review process.
- 3) Provide a pedestrian sidewalk connection between the 'pre-wash' spaces and the retail component. The pedestrian connection shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where it crosses vehicular drive aisles. The exact location and design of the pedestrian connection may be determined during the site plan review process.
- 4) Improve the pedestrian connection from W. 14 Mile Road with an alternate paving material (e.g. stamped concrete/asphalt) where it crosses vehicular drive aisles.
- 5) Provide a minimum of two (2) electric vehicle (EV) charging stations, level two or above, on the site. The exact location of the charging stations may be determined during the site plan review process.
- 6) Modify the location of the bypass lane into the parking/vacuum area to ensure that drivers and emergency vehicles can escape a long queue line, if needed. The exact location of the bypass lane may be determined during the site plan review process.
- 7) Seek approval from the Road Commission for Oakland County (RCOC) for a right-turn deceleration taper lane along 14 Mile Road in accordance with the Fleis & Vandenbrink traffic study.
- 8) Obtain a variance from the Zoning Board of Appeals for outdoor vacuuming stations, which are prohibited per Section 10.326(8)(q).
- 9) Modify the hours of operation to satisfy the use-specific condition of Section 10.326(8)(c), *"the time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m."* or seek a variance from the Zoning Board of Appeals.
- 10) Revise the location of the proposed roof sign to comply with sign regulations, Section 10.511, or seek a variance from the Zoning Board of Appeals.
- 11) Remove the existing nonconforming pylon sign. All new wall and ground signage shall be in compliance with city sign regulations, 10.511 of the Zoning Ordinance.
- 12) Building elevations submitted for site plan review shall be substantially consistent with the provided renderings. 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.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for an auto wash use at 1275 & 1301 W. 14 Mile Road, zoned B-3, General Business
2. The proposed auto wash use is compatible with existing adjacent uses, which primarily includes commercial, retail, office and restaurant uses.
3. The proposed auto wash use 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 auto wash use is consistent with the special use criteria of Section 10.201(4).

5. The proposed site plan layout, mixed-use format, and architectural design of the auto wash use promotes the activation of the 14 Mile Road streetscape and furthers the intent of the Zoning Ordinance.
6. The proposed auto wash use satisfies a majority of the use-specific criteria of Section 10326(8) and general site development requirements of the Zoning Ordinance. However, several modifications will need to be made to bring it into full compliance with the Zoning Ordinance. Variances from the Zoning Board of Appeals may be required where zoning compliance cannot be obtained.
7. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their January 11th, 2023 meeting. The SPRC provided minor comments regarding the site plan, which have been incorporated as recommended conditions in this Staff Report. 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 22-11, with the following conditions:**

- 1) Combine the two (2) separate parcels into a single parcel via the lot combination process.
- 2) Include a retail/food component and outdoor patio area on the site plan to activate the 14 Mile Road streetscape. The patio area shall be substantially consistent with the renderings, the exact location and design of which may be determined during the site plan review process.
- 3) Provide a pedestrian sidewalk connection between the 'pre-wash' spaces and the retail component. The pedestrian connection shall be improved with an alternate paving material (e.g. stamped concrete/asphalt) where it crosses vehicular drive aisles. The exact location and design of the pedestrian connection may be determined during the site plan review process.
- 4) Improve the pedestrian connection from W. 14 Mile Road with an alternate paving material (e.g. stamped concrete/asphalt) where it crosses vehicular drive aisles.
- 5) Provide a minimum of two (2) electric vehicle (EV) charging stations, level two or above, on the site. The exact location of the charging stations may be determined during the site plan review process.
- 6) Modify the location of the bypass lane into the parking/vacuum area to ensure that drivers and emergency vehicles can escape a long queue line, if needed. The exact location of the bypass lane may be determined during the site plan review process.
- 7) Seek approval from the Road Commission for Oakland County (RCOC) for a right-turn deceleration taper lane along 14 Mile Road in accordance with the Fleis & Vandenbrink traffic study.
- 8) Obtain a variance from the Zoning Board of Appeals for outdoor vacuuming stations, which are prohibited per Section 10.326(8)(q).
- 9) Modify the hours of operation to satisfy the use-specific condition of Section 10.326(8)(c), *"the time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m."* **or** seek a variance from the Zoning Board of Appeals.
- 10) Revise the location of the proposed roof sign to comply with sign regulations, Section 10.511, **or** seek a variance from the Zoning Board of Appeals.

- 11) Remove the existing nonconforming pylon sign. All new wall and ground signage shall be in compliance with city sign regulations, 10.511 of the Zoning Ordinance.
- 12) Building elevations submitted for site plan review shall be substantially consistent with the provided renderings. 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.

Next Step

After the public hearing and discussion, City Council may take action on the requested special use by approving, approving with conditions, or denying the application. Alternatively, City Council may postpone action to allow verification, compilation, or submission of additional or supplemental information or to address other concerns or issues.

Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4), listed below.

Pertinent Zoning Ordinance Sections

Sec. 10.326 - B-3 Uses Permissible on Special Approval

- (8) Auto washes:
- (a) When completely enclosed in a building.
 - (b) An attendant must be on duty and on the premises at all times that such auto wash is in operation. All other times, the building must be locked and safely secured.
 - (c) The time of operation shall be limited between the hours of 8:00 a.m. and 10:00 p.m.
 - (d) All buildings to be used in connection with the auto wash shall be located at least 20 feet away from any right-of-way line.
 - (e) Where multiple wash stalls are proposed all auto stacking lanes must be channeled with curbs to each wash stall so as to prevent cross traffic and the minimum stacking space shall be six cars per stall. The minimum amount of stacking space to be provided in all car wash developments shall be equivalent to 20 minutes of full and continuous operation.
 - (f) Buildings must be constructed so as to be enclosed on two sides plus doors on the front and rear of each stall, capable of being locked.
 - (g) All lights used in connection with auto washes shall be shaded so as not to project upon or become a nuisance to adjacent properties.
 - (h) All land used in connection with auto washes is to be paved and drainage provided in accordance with existing ordinances pertaining to parking lots.
 - (i) A chainlink-type fence must be constructed so as to enclose the entire property except drives and areas where screen walls are required, two feet along any street, four feet side and back.
 - (j) Access points are limited to not more than two 20-foot drives. Such drives are to be a minimum of 50 feet apart and ten feet from the exterior lot lines and 35 feet from any intersection right-of-way lines and shall not be constructed so that ingress and egress shall be through residentially zoned areas. Such access points must have the approval of the Madison Heights Police Department to effect that they will not interfere with vehicular traffic nor will they create a safety hazard.
 - (k) No steam hose for public use shall be located upon the premises in connection with such auto wash.
 - (l) All blowers shall be turned off when not in use in connection with the operation of the car wash.
 - (m) It shall be unlawful for any person, firm or corporation or any agent, servant or employee thereof, who while operating an auto wash, to permit or cause to be permitted upon the premises in which the said business is located, a nuisance, by allowing the health, safety or welfare of the community to be impaired.
 - (n) It shall be the duty of the licensee, manager, or person in charge of any auto wash, to keep the premises whereon said auto wash is located, together with the parking area and any adjacent area, free from rubbish, waste products and debris.
 - (o) It shall be unlawful for any patron of an auto wash or for any other person while parking on or adjacent to the premises to race the motor of any vehicle, to suddenly start or stop any unseemly noise, nuisance or disturbance which shall impair the peace, health or safety of the community.
 - (p) Construction of auto wash buildings shall not be permitted if said construction shall require standing or parking on public rights-of-way in connection with the operation of the auto wash.

- (q) All operations must be carried on within the building area, including but not limited to vacuuming, washing and drying.

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.
- (l) 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, February 13th, 2023 at 7:30 p.m. in the City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071** to consider the following special approval request:

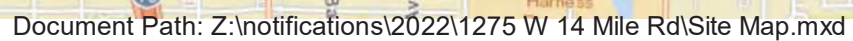
Case # PSP 22-11

The applicant, Samantha Burgner, requests Special Approval from City Council under Section 10.326(8) of the Madison Heights Zoning Ordinance for an automated auto wash at 1275 & 1301 W. 14 Mile Road, PINS 44-25-02-101-046 and 44-25-02-101-045. 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



Site Address: 1275 and 1301 W. 14 Mile Rd

[Click for maps](#)

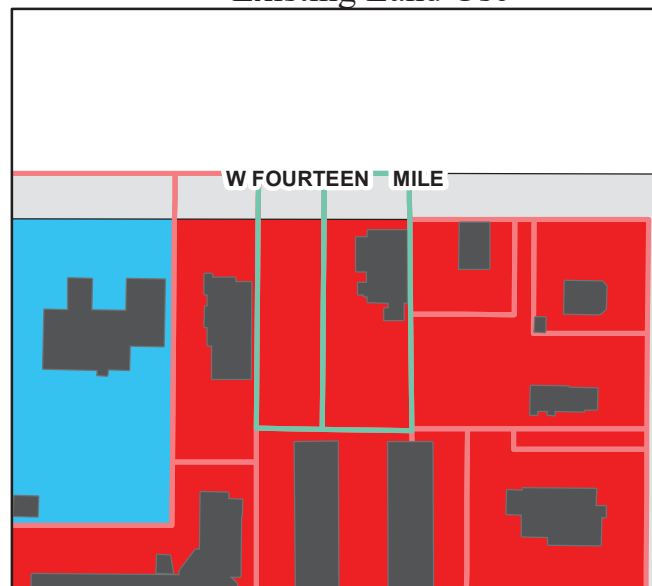


Aerial



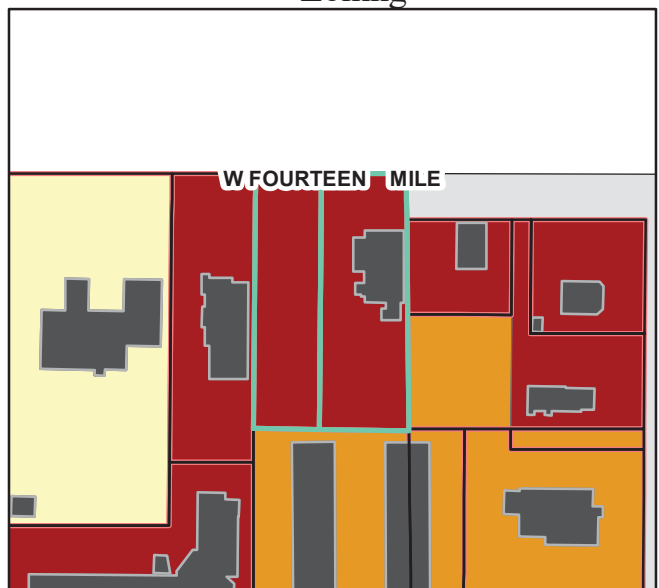
- 1275 and 1301 W.14 Mile Rd
- Parcels

Existing Land Use



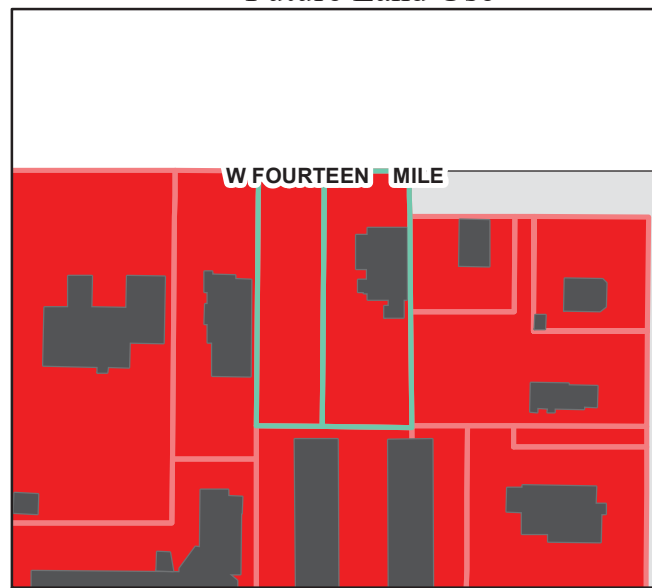
- 1275 and 1301 W.14Mile Rd
- Buildings
- Parcels
- Commercial
- Quasi-Public

Zoning

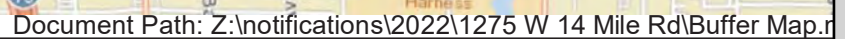


- 1275 and 1301 W.14MileRd
- Buildings
- Parcels
- R-2 Residential
- B-3 General Business
- H-R High Rise

Future Land Use



- 1275 and 1301 W.14 Mile Rd
- Industrial
- Buildings
- Commercial





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

FOR OFFICE USE	
Request _____	No: _____
Date _____	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: 1275 & 1301 W. 14 Mile Road Tax ID No.: 44 - 25 - 02 - 101 - 045
44 - 25 - 02 - 101 - 046

APPLICANT INFORMATION

Name: Samantha Burgner
Phone No.: (413)-464-2267 Fax No.: N/A
Mailing Address: 30200 Telegraph Rd Suite 205 City, State, Zip: Bingham Farms, MI 48025
(Notices will be mailed to this address)
Driver's License No.: N/A Date of Birth: N/A
Interest in Property: Redevelopment

BUILDING & BUSINESS INFORMATION

Zoning District: B-3 Autowash Use Requested Pursuant to Section 10.326 of the Zoning Ordinance
Explain Requested Use in Detail: Proposed 3,822 SF drive-through autowash with 31 parking spaces. Autowash will have 22 vacuum spaces with two (2) vacuum producers enclosed within a building structure. Proposed 32 stacking spaces with 3 pay-stations and 6 pre-wash parking spaces.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) 0.66-AC & 0.84-AC of N/A
Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of West 14 Mile Rd Street/Road between Stephenson Highway Street/Road and Campbell Street / Road.

Hours of Operation: 7am - 9pm

Property Frontage: 196.3 FT Width/Depth: 335 FT No. of Parking Spaces: 31 Private Lot Shared Lot
No. of Floors: 1 Max. No. of Employees: 8 Male N/A Female N/A No. on Largest Single Shift: 6
No. of Seats for Restaurant or Assembly Uses: N/A Capacity of Waiting Area: N/A
Building: New X or Existing Will Additions or Alterations to the Building be Required? N/A
Explain: New Building

Describe Any Other Site Improvements to be Made: 31 space parking lot for vacuum spaces, employees, and drive-through lanes
Landscaping and utility improvements

Building Owner Name: Ross Prop LLC: David Field Phone No.: (248)-737-0000 Fax No.: N/A
Mailing Address: 31390 Northwestern Hwy, Suite A City: Farmington Hills, MI Zip: 48334
(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 [Signature]
Printed DAVID R. FIELD Name
Date 12/20/22

FOR THE APPLICANT IF NOT THE OWNER:

Signature [Signature]
Printed Samantha Burgner Name
Date 12/20/2022

NOTARY:

On this 20th day of December

Before me personally appeared
David R. Field 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 Lisa E. Hissong

Notary public, State of Michigan,

County of Wayne

My commission expires 3/25/2029

Acting in the County of Oakland

NOTARY:

On this 20th day of December

Before me personally appeared
Samantha Burgner 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]

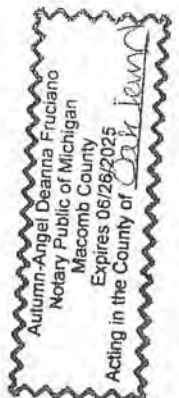
Notary's
Printed Name Autumn Fruciano

Notary public, State of Michigan,

County of Oakland

My commission expires 5/25/2025

Acting in the County of Oakland



OFFICE USE ONLY

\$750.00 Fee Paid _____	Receipt Number _____	By _____	Date: _____
One Site Plan Attached no larger than 11 x 17 inches <input type="checkbox"/> Yes <input type="checkbox"/> No			
Site Plan Application: _____		Date: _____	
Copies to C.D.D. _____			
Notices Mailed to Properties Within 500 Feet _____			
Council Action _____			
Meeting Date _____			

February 6, 2023

Mayor Roslyn Grafstein
and City Council
City of Madison Heights
300 W. 13 Mile Road
Madison Heights, MI 48071

Re: Address: 1275 W. 14 Mile Road
Applicant: El Car Wash
Special Use Approval for Car Wash

Dear Mayor Grafstein and City Councilmembers:

On behalf of El Car Wash (“El”), we are providing this supplemental letter to address compliance with Special Approval Use standards, as specified in your Zoning Ordinance. The Applicant is proposing a new El Car Wash and Mojo Donuts restaurant at the project site. The existing restaurant building, formerly Applebee’s, will be demolished and replaced by two new businesses, both from Florida.

El believes the market at this location for a new upscale, environmentally sustainable car wash is excellent. Other car washes in Madison Heights are predominately in the area east of I-75. The El Car Wash is located in an under-served area in the northwest portion of the City.

The project site is zoned B-3 bordered by a Dunkin’ Donuts restaurant to the west, Rodeway Inn to the south, and a Tim Horton’s restaurant (under construction) to the east. The proposed El Car Wash / Mojo Donuts will complement the obvious trend in this area away from traditional sit-down restaurants to the “fast casual” brands. These businesses will provide customers from nearby hotels, commercial businesses and residential neighborhoods with a variety of consumer choices.

The El Car Wash will not disturb any residential neighbors as all adjacent neighbors are commercial. Proposed hours of operation are 7 a.m. to 9 p.m., consistent with many businesses in the area.

We have attached El’s stated compliance with all of the Special Approval Use standards that the City Council reviews pursuant to Zoning Ordinance Section 10.201. El meets or exceeds all of those Standards. In particular, the following compliance points are of note:

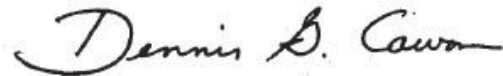
- Mixed-use nature of the site, including the El Car Wash and Mojo Donuts;

Mayor Roslyn Grafstein
and City Council
City of Madison Heights
February 6, 2023
Page 2

- More than required stacking spaces so there will be no encroachment onto 14 Mile from those vehicles entering the site;
- Environmentally sustainable features, including water recycling and sand-oil separator treatment systems;
- An on-site bike rack will be installed; and
- Electric vehicle (EV) charging stations are included in the Site Plan.

Based on El's compliance with the Special Approval Use standards, we respectfully request the City Council approve the Special Approval Use for the El Car Wash. We look forward to our dialogue with you at your February 13th meeting. In the meantime, should you have any questions regarding this correspondence or the proposed mixed-used project, please feel free to contact me at your earliest convenience.

Sincerely,



Dennis G. Cowan
Direct Dial: (248) 901-4029
Cell: (248) 321-2820
Email: dcowan@plunkettcooney.com

DGC/cmw
Attachment

cc: Justin Landau
Gabe Schuchman
Samantha Burgner
Mitchell Harvey

Open.29459.30018.30489798-1

El Car Wash 1275 W. 14 Mile Road

Compliance with Special Approval Use Standards Pursuant to Zoning Ordinance Section 10.201(4)

- (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.**

El has submitted its Site Plan and other required documentation for Special Approval Uses in compliance with all information as outlined in Section 10.514.

- (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.**

The criteria as outlined in Section 10.326(8), specifically addresses auto washes. El is in compliance with or exceeds the stated criteria but is providing landscaping instead of a chain-link fence around the west and south property lines. El believes a chain-link fence would be unsightly given the new construction in the immediate area.

- (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.**

The El Car Wash and Mojo Donuts are compatible with the surrounding commercial properties and vicinity. The site is 1.5 acres providing adequate space for all primary and secondary business activities. The proposed uses are

consistent with other uses in the vicinity allowing consumers to make multiple stops during one vehicle trip.

(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.

There is only one driveway access point for ingress and egress to the site. The interior drives are routed in such manner to eliminate or minimize any vehicular conflict within the site. There are ample site lines to avoid any conflicts with pedestrians or bikers when cars are entering or leaving the site. More than adequate on-site parking is provided.

(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.

Currently, there is no screening at the site. El provides a unique entry point from 14 Mile, which screens the northern property line, which is the most visible feature for drivers and pedestrians. The east property line is screened by the car wash building. Curbing protects the drive lanes on the western and southern property lines, which leads to the entryway to the car wash building.

(f) The use shall be properly served by utilities.

The utilities are adequate, and the proposed site uses shall be properly served.

(g) The use shall not have an adverse effect on the environment beyond the normal affects 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.

The proposed car wash and restaurant uses will not create any adverse environmental impact. In fact, the El Car Wash recycles approximately 90% of the water used at the facility. Any water discharged in the public sewer system will go through a sand-oil separator system to eliminate the possibility of any contamination. El Car Wash is an eco-friendly business that uses about one-third of the water that would be used with residents cleaning their car at home. Two electric vehicle (EV) charging stations are also included in the Site Plan.

(h) The use shall be specifically scrutinized for conformance with the performance standards outlined in Section 10.509 of this Ordinance.

The proposed uses are in compliance with Section 10.509, which concerns performance standards, including open storage, glare and radioactive materials, fire and explosive hazards, noise and waste. None of these adverse factors are present at the project site. To reduce noise, the main vacuum filter/separator and vacuum turbines are located inside the car wash building. No outdoor speakers are associated with the car wash tunnel. There is little noise that emanates from the car wash building and is of an intermittent nature. As previously stated, water is recycled and there will be no untreated waste discharge into the public sewer system.

(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.

The site layout has been designed to eliminate any possible nuisances that might affect adjacent properties. The primary car wash activity will be within an enclosed building. There is no excessive smoke, fumes, glare, noise, vibration, odors, or 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.**

The proposed use does not impose any burden upon public services and utilities.

Open.29459.30018.30485168-1



Re: El Car Wash Application for a High-End Express Car Wash in Madison Heights

El Car Wash
Justin Landau
5201 SW 8th St.
Miami, FL 33134
justin@elcarwash.com
(917) 680-5575

Dear Madison Heights City Council,

El Car Wash is the largest independent car wash company in South Florida. Since being founded in 2011, the company has since grown to include 26 locations that are currently open with another 20 sites currently under construction. We have experienced such rapid success in South Florida and hope to expand our brand to the Metro Detroit area with over 15+ sites in our portfolio, with Madison Heights scheduled as our second location to open. At our proposed Madison Heights site, we would build one of our high-end facilities consisting of a single tunnel, three pay-stations, and ample parking spaces with vacuum amenities. We do not ever touch your car as this is a completely self-service facility where the multi-million dollar tunnel does the exterior cleaning and the customer then chooses to clean the interior themselves or exit the property. Customers can join El Car Wash's unlimited membership program and receive unlimited washes at all our locations across our portfolio in Michigan and Florida. Each location provides free vacuums, towels, glass cleaner, compressed air, dash wipes and more.



Express Car Washes – Common Misconceptions vs. Reality

Item	Misconception	Reality for El Car Wash
COVID	I will need to interact with employees	You stay in your vehicle the entire time as the car exterior is washed and dried by our equipment only then you can use the free vacuums and other amenities if you choose - it is completely user controlled
Hours of Operation	Car Washes are 24/7	We are exclusively a day-time operation – 7:00am to 9:00pm (all employees off site shortly after) – Gas stations and Drive Thru restaurants are open much later or 24/7
Aesthetics	Car washes are blue tents and very ugly	We focus on having thoughtful curb appeal that matches the local community and costs over \$3-4 million to build
Environmental Impact	Car washes are bad for the environment	Express car washes are completely environmentally friendly, save substantial water for the community vs washing at home or Gas Stations and all soaps are biodegradable
Noise (Music)	There is loud music played	We do not play music and no music is allowed on site
Noise (Vacuums)	The vacuums are loud and there is a lot of noise	Vacuum equipment is housed inside of concrete enclosures & even without it there is only average street level noise at property line
Light	The site is lit up all night	Site lighting is turned off when closed and there are stringent requirements for all <u>photometrics</u>
Traffic	Car washes bring traffic	We generate fewer trips than restaurants or banks and our high-speed tunnel gets cars out in 2-3 minutes
Staffing	There are 20+ employees drying & vacuuming cars	We NEVER touch a car – this is an express car wash only – there are typically 5 employees on site, and they are there for customer service
Odor & Smell	Car washes create waste	There are no odors or smells
Maintenance	Car washes are not maintained well	Our only focus of business is car washing – not gas station, not lube shop, we keep our sites looking perfect because we sell cleanliness

We understand that most people and communities are unfamiliar with the new form of express car wash, and we truly appreciate the opportunity to have our application considered and to dispel many of the misconceptions that exist about this industry. We ask that you please take the time to read through our application and are excited about the prospect of being a long-term partner to the community of Madison Heights and providing a great service to its growing population.

Mixed Used Component

The site will include a mixed used concept allowing an additional use to the community adding character and activate the corridor with multiple services. ECW currently partners, Mojo's Donuts a small business located in Miami. Mojo's Donuts is committed to growing with ECW and bringing their business to the Michigan market. The user would be self-managed and independently operated. The space will have a separate entrance, food prep, and storage area. The operations will be a carry out based option with outdoor seating in the warmer months.

Sustainability

The carwash will include state-of-the-art equipment for vehicle cleaning and protecting. The innovative process and proposed equipment allow the entire car washing and drying experience to be approximately 2.5 minutes. The facility proposes large holding tanks that will recycle the water used by the facility. Approximately 90 percent of the facility's water will be recycled by taking the car-wash water runoff and containing it inside the building, then it will be drained to the re-use tank for future car washes. There will be a sand-oil separator treatment system to pre-treat the water before being discharged to the

wastewater system; therefore, the water will not be discharged into the stormwater system. The light poles are installed with LED fixtures for energy efficiency. Sidewalks and crosswalks throughout the site promote pedestrian connectivity into and around the facility.

The El Car Wash brand is anchored in customer service, social responsibility, site cleanliness, quality and speed. We believe that part of our mission is to create a fun and environmentally conscious experience for customers. At our locations we make a consistent and dedicated effort to reduce the carbon footprint on the environment; we accomplish this by utilizing reverse osmosis filtration to recycle our water, using professional biodegradable products that are safe for the earth, and saving energy through major investments in top-of-the-line equipment.

Generally speaking, few people realize that washing a car in their driveway is one of the most environmentally un-friendly chores they can do around the house. Unlike household wastewater that enters sewers or septic systems and undergoes treatment before it is discharged into the environment, what runs off from your car sweeps down your driveway (an impervious surface) and goes right into storm drains—and eventually into rivers, streams, creeks and wetlands where it poisons aquatic life and wreaks other ecosystem havoc as that water is included harmful materials like gasoline, oil, and residues from exhaust fumes—as well as the harsh detergents being used for the washing itself. El Car Wash sends its wastewater into the sewer systems, after it has already been filtered through an oil/water separator, so it gets treated before it is ever discharged.

High end automatic recycle car washes such as El Car Wash use less than 1/3rd the fresh water of even the most careful home car washer as washing a car at home typically uses between 80 and 140 gallons of water, while a commercial car wash averages less than 45 gallons per car. In addition, El Car Wash employs a water reclaim system which is a stand-alone operation that works in tandem with other car washing equipment which draws water from large settling tanks in the car wash, processes the water to remove vehicle contaminants and/or chemicals, treats the water for any odors, and sends the processed water back to the wash system for reuse. This further helps reduce the amount of water used per vehicle. Having a car wash in an extremely convenient location where the individual daily needs are served has been shown to be the optimal place for the consumer to get this type of service. Overall, we truly believe we can consistently be a leader in sustainability across the industry and will continue with our commitment to corporate social responsibility in Madison Heights.

Our site plan will also provide the opportunity for electric car charging with 2 available units placed on site.

Community Benefits

El Car Wash has substantial partners within the communities they are currently operating and will continue this level of involvement as we expand. Some examples of these partnerships include Baptist Health, the largest health system in South Florida as well as many smaller local charities and causes. We are currently working with Linda Williams, Executive director for the Madison Heights and Hazel Park Chamber of commerce to identify opportunities for community involvement and connection with neighboring businesses. We hope to finalize some of these opportunities over the next few months.

Along with our involvement in the community we also provide the ability for local schools and organizations to utilize our facilities for fundraising events. We are excited to partner with the Madison Heights School district, the Lamphere school district, the Madison Heights Women's Club, the Arts Board, Madison Citizens United, and many more organizations.

Car Wash Operations

There are three queue lanes each with an arm gate located on the south side of the project that each will have static menu boards and pay stations. The facility will provide a membership option that will allow members to use the western most queue lane that will have a scanner and will read a personalized identification tag or the license plate on the members vehicle. The pay stations will operate without any noise or sound. Once the customer pays, the gate will open and allow the customer to get into the single queuing lane to enter the car-wash tunnel on the west side of the building. An attendant will be present to guide the customers onto the conveyor. The customer will remain within the vehicle as it is guided through the car-wash tunnel. The entire process of the carwash takes approximately 2.5 minutes. Upon exiting the tunnel, the one-way traffic flow will guide the customers to the optional self-service vacuums or exit the site at the north access point. The hours of operation of the car wash, including vacuum will be from 7:00 a.m. to 9:00 p.m. to allow for people who go to work early or come home late to have a clean car.

Traffic Impact Study

We contracted Fleis & Vandenbrink to complete a Traffic Impact Assessment for the car wash use at our proposed site. Based on trip generation and current traffic pattern they are presenting minimal impact to the current traffic flow. Fleis & Vandenbrink is recommending we complete a right-turn deceleration taper on eastbound 14 Mile Road at the site drive due to their findings. Please refer to the submitted traffic study for additional detail regarding the findings.

Noise

The vacuum bays will utilize a "Autovac" manufactured vacuum system for the facility with the motors within the carwash structure or fully enclosed within a concrete enclosure. At each vacuum bay, a stanchion contains the suction hoses that will lead to a small dust bin, which then leads to the main vacuum filter/separator and vacuum turbines in the building. The air-dryers inside the car-wash tunnel will be outfitted with silencing mufflers to reduce the sound generate. In addition, there are no outdoor speakers associated with the car-wash tunnel, and no sounds will be provided on the three pay stations.

We have ample sound data that we can provide which demonstrates that the car-wash facility will comply with all noise performance standards for non-residential uses. See below for the sound level readings from the manufacturer.

SOUND LEVEL METER READINGS

MODEL: FT-DD-T440HP3 (40hp T4 VACSTAR TURBINE VACUUM PRODUCER)

READING ONE: 60 DB-A, 3 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING TWO: 56 DB-A, 10 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING THREE: 51 DB-A, 20 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

READING FOUR: 44 DB-A, 30 FEET FROM TURBINE @ 45° ANGLE
AND NO BACKGROUND NOISE OR OUTSIDE INTERFERENCE.

NOTE: THESE READINGS WERE TAKEN OUTSIDE OF CINDER BLOCK ENCLOSURE WITH 8" THICK WALLS,
CONCRETE SLAB AND WOOD JOIST ROOF.

SOUND LEVEL METER USED:

SIMPSON MODEL #40003 – MSHA APPROVED.
MEETS OSHA & WALSH-HEALY REQUIREMENTS FOR NOISE CONTROL.
CONFORMS TO ANSI S1.4-1983, IEC 651 SPECS FOR METER TYPE.

We are happy to continue to work with the Madison Heights municipality to ensure a cohesive design and that we are holding ourselves to the highest standards. Please see the below for updated renderings of our project for your review.

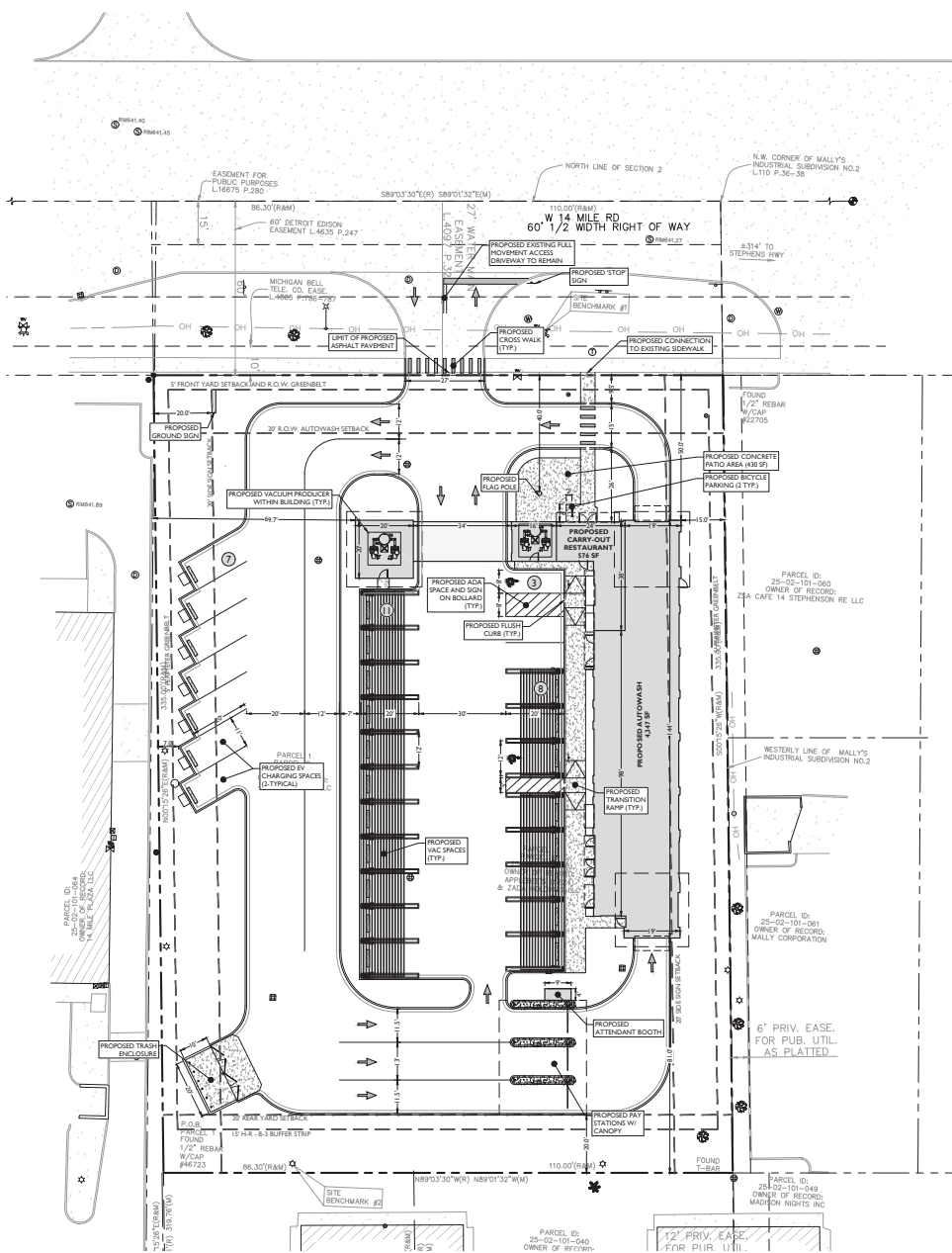


Thank you

Justin Landau

A large, stylized handwritten signature in black ink, appearing to read "Justin Landau".

El Car Wash
5201 SW 8th St.
Miami, FL 33134
justin@elcarwash.com
(917) 680-5575



SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	SETBACK LINE
---	PROPOSED CURB
---	PROPOSED FLUSH CURB
---	PROPOSED SIGNS
---	PROPOSED BUILDING
---	PROPOSED CONCRETE
---	PROPOSED BUILDING DOORS

NOT APPROVED FOR CONSTRUCTION

STONEFIELD
engineering & design

Rutherford, NJ - New York, NY - Boston, MA
Princeton, NJ - Tampa, FL - Detroit, MI
www.stonefielddesign.com
607 Shady Side, 200, Detroit, MI 48224
Phone 248.347.1115

EL CAR WASH MADISON
PROPOSED AUTOWASH & CARRY-OUT RESTAURANT

PID: 25-02-101-048 & 25-02-101-045
OWNER OF RECORD:
MADISON NIGHTS INC.
OAKLAND COUNTY, MICHIGAN 48071

MICHIGAN LICENSE NO. 62109438
LICENSED PROFESSIONAL ENGINEER

STONEFIELD
engineering & design

SCALE: 1" = 30' PROJECT ID: DET-33283

TITLE:

SITE PLAN

DRAWING:

C-1



















MEMO

VIA EMAIL sburgner@alrigusa.com

To: El Car Wash Michigan

From: Julie Kroll, PE, PTOE
Mary Ollis, EIT
Fleis & VandenBrink

Date: January 27, 2023

Re: **Proposed Car Wash Development**
Madison Heights, Michigan
Traffic Impact Assessment

1 INTRODUCTION

This memorandum presents the results of the Traffic Impact Assessment (TIA) for the proposed development in Madison Heights, Michigan. The project site is located at 1275 W. 14 Mile Road, generally in the southwest quadrant of the 14 Mile Road and Stephenson Hwy. intersection, as shown on the attached **Figure 1**. The proposed development includes the construction of El Car Wash with an attached carry-out restaurant, located on property that was previously occupied by an Applebee's restaurant that will be razed as part of this project. No changes to the existing site access are proposed and will be maintain via one (1) driveway on 14 Mile Road, which is under the jurisdiction of the Road Commission for Oakland County (RCOC). The City of Madison Heights has required the completion of a Traffic Impact Assessment (TIA) as part of the site plan approval process.

The scope of work for this study was developed based on the requirements as outlined in the City of Madison Heights Code of Ordinances, Fleis & VandenBrink's (F&V) knowledge of the study area, understanding of the development program, accepted traffic engineering practices, and information published by the Institute of Transportation Engineers (ITE). Sources of data for this study include RCOC, City of Madison Heights, MDOT, and ITE.

2 BACKGROUND

F&V collected an inventory of existing lane use and traffic controls at the study intersections, as shown in the attached **Figure 2**; additional roadway information is attached and summarized in **Table 1**.

Table 1: Roadway Information

Roadway Segment	14 Mile Road
Number of Lanes	5 (2 lanes each direction, TWLT)
Functional Classification	Other Principal Arterial
Roadway Jurisdiction	RCOC
Speed Limit	40 mph
Traffic Volumes (AADT)	29,600 vpd (2018 SEMCOG)

27725 Stansbury Boulevard, Suite 195
Farmington Hills, MI 48334

P: 248.53

F: 248.53

www.fveng.com

F&V obtained historic weekday traffic volume data from the MDOT Traffic Data Management System (TDMS) that were collected on Wednesday April 18th, 2018 on 14th Mile Road between Campbell Road and Stephenson Highway. The weekday AM and PM peak hours for the adjacent roadway network were observed to generally occur between 7:15 to 8:15 AM and 4:30 PM to 5:30 PM.

3 SITE TRIP GENERATION

The number of peak hour (weekday AM and PM and Saturday) and daily vehicle trips that would be generated by the proposed car wash and carry-out restaurant development was forecast based on data published by ITE in the *Trip Generation, 11th Edition*. The trip generation data for Automated Car Wash (LUC 948) and Fast Casual Restaurant (LUC 930) is limited during the AM and SAT peak periods, therefore for purposes of this study the highest peak hour (PM peak) was utilized for all peak periods of this evaluation.

As is typical of commercial developments, a portion of the trips generated are from vehicles on the adjacent roadway and will pass the site on their way from an origin to their ultimate destination. Therefore, not all traffic at the site driveways is necessarily new traffic added to the street system. This percentage of the trips generated by the development are considered “pass-by” trips and do not add new traffic to the adjacent street system. These trips are therefore reduced from the total external trips generated by a study site. Car washes and similar type land uses such as gas stations, generally cater to adjacent street traffic volumes. However, there is no published data is available for calculating pass-by trips for this land uses by ITE in the *Trip Generation Manual, 11th Edition*; therefore, in order to provide a conservative analysis, a 50% pass-by trip reduction was applied to this land use. The site trip generation forecast utilized for the proposed development is summarized in **Table 1**.

Table 1: Trip Generation Summary

Land Use	ITE Code	Amount	Units	Average Daily Traffic (vpd)	Peak Hour (vph)		
					In	Out	Total
Automated Car Wash	948	1	Tunnel	780	39	39	78
Pass-By: 50%				390	20	19	39
New Trips				390	19	20	39
Fast Casual Restaurant	930	576	SF	56	4	3	7
Pass-By: 50%				28	2	2	4
New Trips				28	2	1	3
Total Trips				836	43	42	85
Total Pass-by				418	22	21	43
Total New Trips				418	21	21	42

4 SITE TRIP DISTRIBUTION

The vehicular trips that would be generated by the proposed development were assigned to the study roads based on the proposed site access plan and driveway configurations, the existing peak hour traffic patterns in the adjacent roadway network, and the methodologies published by ITE. The ITE trip distribution methodology assumes that new trips will enter the network and access the development, then leave the development and return to their direction of origin. The site trip distributions utilized in the analysis are summarized in **Table 2**.

Table 2: Site Trip Distribution

New Trips				Via	Direction	Pass-By Trips		
AM	PM	SAT	To/From			AM	PM	SAT
33%	62%	50%	East	14 Mile Road	Eastbound	67%	38%	50%
67%	38%	50%	West	14 Mile Road	Westbound	33%	62%	50%
100%	100%	100%	Total			100%	100%	100%

The vehicular traffic volumes shown in **Table 1** were distributed to the roadway network according to the distribution shown in **Table 2**. The site-generated trips are shown on the attached **Figure 2**. For purposes of

In this analysis it was assumed an average 50/50 distribution East/West on 4 Mile would be typical of Saturday operations.

5 ACCESS MANAGEMENT

5.1 INTERSECTION/DRIVEWAY SPACING

The proximity and relation to intersections, specifically regarding distance from the proposed driveway and adjacent driveways and intersections was reviewed and the adjacent driveway and intersection spacing are shown on **Exhibit 1**. Key findings of this review are summarized below:

- The proposed development includes only one site access driveway on 4 Mile Road via the existing driveway location. Shared access or a service drive with the adjacent properties is not feasible at this time.
- The adjacent signalized intersection at Stephenson Hwy is located approximately 400 feet west of the site driveway. Left-turns are not permitted at this intersection and the adjacent bank on the north side of 4 Mile Road will have minimal left-turn conflicts within the existing center left-turn lane.

Exhibit 1: Driveway and Intersection Spacing



5.2 SIGHT DISTANCE EVALUATION

A sight distance evaluation was completed in accordance with MUTCD sight-distance requirements at this site driveway intersection as shown on the attached Figure 5-1. The minimum sight distance on a 40 mph, 5 lane road is 400 feet in both directions, measured from 15-feet from the edge of pavement. The results of the sight distance evaluation are shown in **Exhibit 2** and indicate that adequate sight distance is available in both the east and west directions.

Exhibit 2: Sight Distance Summary

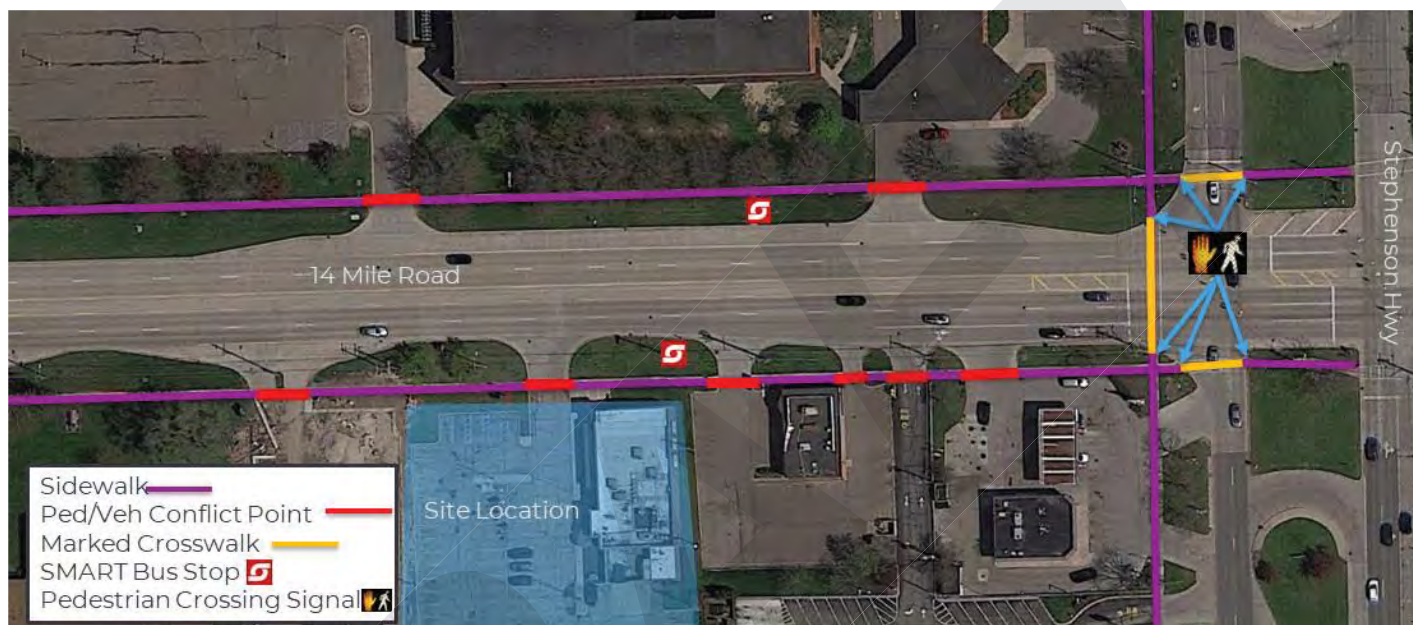


5.3 MULTI-MODAL SUMMARY

A multi-modal facilities are shown on **Exhibit 3**. Key findings of this evaluation are summarized below:

- The proposed development provides convenient access to the AAT bus stop located adjacent to the property on 14 Mile Road.
- A protected signalized crossing is located 400 feet west of the development at the 14 Mile and Stephenson Hwy intersection.
- The proposed development plan includes the addition of a marked pedestrian crossing at the site driveway intersection.

Exhibit 3: Multi-Modal Access Summary



5.4 AUXILIARY LANES

The C/C auxiliary lane treatment criteria was evaluated at the site driveway on 14 Mile Road. There is an existing center left-turn lane on 14 Mile Road adjacent to the project site; therefore, the warrant criteria for an auxiliary left-turn lane was not evaluated. This analysis was based on the future traffic volumes, as shown on the attached **Figure 2**. The results of the analysis are shown on the C/C chart is attached and summarized in **Table 4**. The results of the auxiliary turn lane analysis indicate that a right-turn deceleration taper is recommended on eastbound 14 Mile Road at the site driveway.

Table 4: Auxiliary Turn Lane Analysis Summary

Intersection	Weekday AM Peak	Weekday PM Peak	Saturday Peak	Recommendation
14 Mile Road & Site Drive	Right Turn Taper	Right Turn Taper	Right Turn Taper	Right Turn Taper

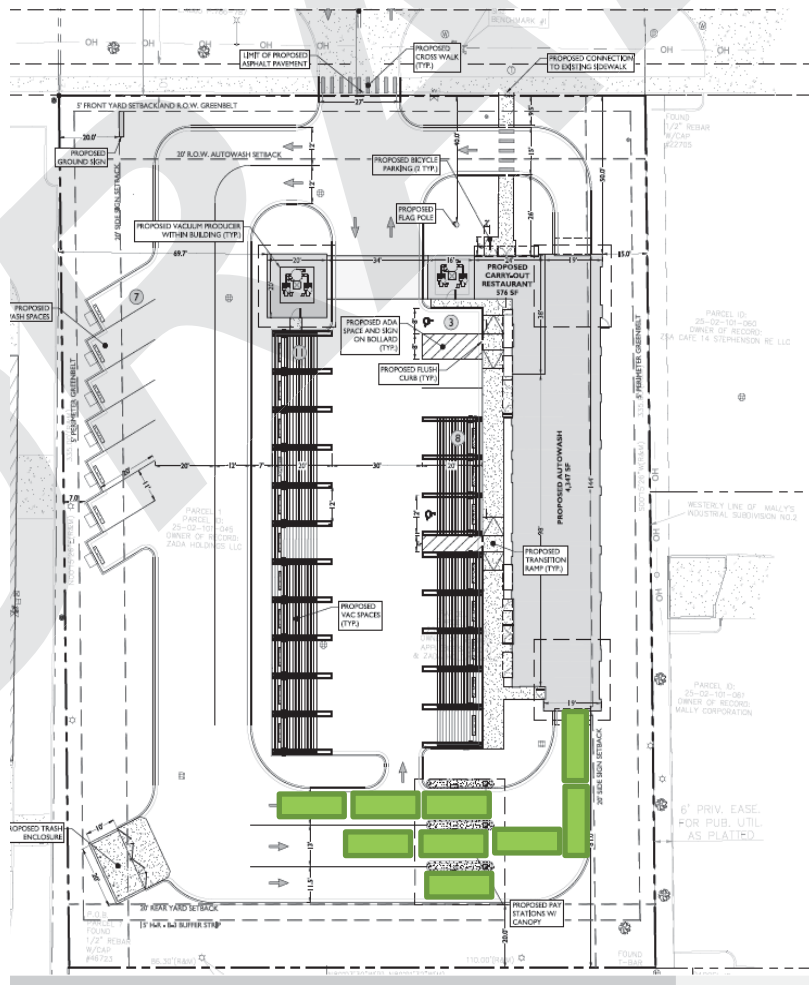
6 SITE CIRCULATION

The projected vehicle queuing for the proposed site operations was reviewed to determine if the proposed on-site queue length is adequate to accommodate the projected operations. Information regarding the service rates was provided by Tommy's Express for use in this analysis, due to their similar site layout. The proposed site includes three (3) drive-through lanes: Cash/Credit Card Payment (1 lane) and App Payment (2 lanes). Data from Tommy's Express shows 40% of customers use the cash lane and 60% use the app. For analysis purposes, it was assumed that the average cash payment service rate is 30 seconds per vehicle and app payment is 20 seconds per vehicle. Once paid, the vehicles enter the queue for the wash tunnel which has a service rate of 18 seconds per vehicle.

In order to determine the projected vehicle queue length, an analysis was performed for each of the three types of queue lanes: Cash Payment, Credit Card Payment, App Payment, and Car Wash Tunnel. This analysis was based on the trip generation data for this site and service rate information as described herein. Since the service rates are higher than the projected demand for this site, a Poisson distribution analysis was performed to determine the projected queuing associated with the random arrivals. The projected peak vehicle queue lengths are summarized in **Table 5** and shown on **Exhibit 4**, and the Poisson distributions analysis is attached. The projected vehicle queuing evaluation indicated that, during the peak operations, the maximum anticipated arrival of three (3) vehicles past the payment kiosks, can be adequately accommodated on the site, without exceeding the internal site circulation and impacting the adjacent roadway network.

Table 5: Vehicle Queuing Analysis

EI CAR WASH STACKING SPACE CALCULATOR - CASH		EI CAR WASH STACKING SPACE CALCULATOR - APP		EI CAR WASH STACKING SPACE CALCULATOR - TUNNEL	
Number of Arrivals	15	Number of Arrivals	24	Number of Arrivals	39
Time per Vehicle (s)	60	Time per Vehicle (s)	30	Time per Vehicle (s)	18
Service Rate (veh/hr)	60	Service Rate (veh/hr)	120	Service Rate (veh/hr)	200
Peak Arrival (veh)	3	Peak Arrival (veh)	3	Peak Arrival (veh)	3
Vehicle Length	25	Vehicle Length	25	Vehicle Length	25
TOTAL QUEUE (ft)	75	TOTAL QUEUE (ft)	75	TOTAL QUEUE (ft)	75

Exhibit 4: Site Circulation Plan

7 CONCLUSIONS

The conclusions of this TIA are as follows:

1. Site Access

- The proposed development includes only one site access driveway on 4 Mile Road via the existing driveway location. Shared access or a service drive with the adjacent properties is not feasible at this time.

2. Adjacent Driveway and Intersections

- The adjacent signalized intersection at Stephenson Hwy is located approximately 400 feet west of the site driveway.
- Left-turns are not permitted at this intersection and the adjacent bank on the north side of 4 Mile Road will have minimal left-turn conflicts within the existing center left-turn lane.

3. Multi-Modal Evaluation

- The proposed development plan includes the addition of a marked pedestrian crossing at the site driveway intersection.
- The proposed development provides convenient access to the AAT bus stop located adjacent to the property on 4 Mile Road.
- A protected signalized crossing is located 400 feet west of the development at the 4 Mile and Stephenson Hwy intersection.

4. Sight Distance

- A sight distance evaluation was completed in accordance with CEC sight-distance requirements. The minimum sight distance on a 40 mph, 5-lane road is 400 feet in both directions, measured from 5 feet from the edge of pavement. The results of the sight distance evaluation indicate that adequate sight distance is available in both the east and west directions.

5. Auxiliary Lane Analysis

- There is an existing center left-turn lane on 4 Mile Road adjacent to the project site; therefore, the warrant criteria for an auxiliary left-turn lane was not evaluated.
- The results of the auxiliary turn lane analysis indicate that a right-turn deceleration taper is recommended on eastbound 4 Mile Road at the site driveway.

6. Site Circulation

- The projected vehicle queuing evaluation indicated that during the peak operations the projected traffic volumes can be adequately accommodated on the site, without exceeding the internal site circulation and impacting the adjacent roadway network.

8 RECOMMENDATIONS

- A right-turn deceleration taper is recommended on eastbound 4 Mile Road at the site driveway.

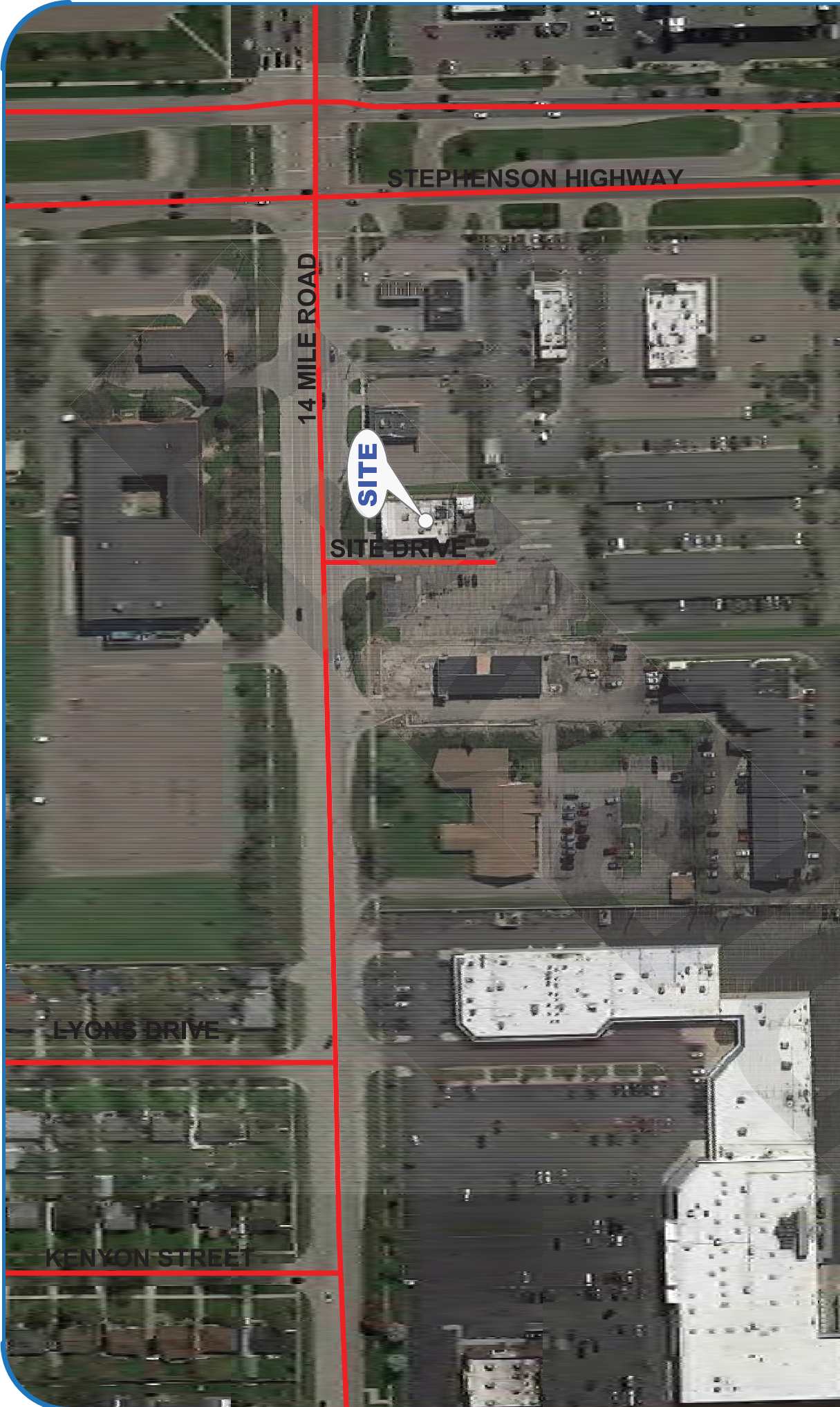
Any questions related to this memorandum, study, analysis, and results should be addressed to Fleisig Andersen & Co., P.C.

I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Michigan.

Attached:

Figures 1-1
Proposed Site Plan
E/C Data
Traffic Volume Data
C/C Right of Way Criteria
C/C Right-Turn Lane Warrant

DRAFT



LEGEND

SITE LOCATION



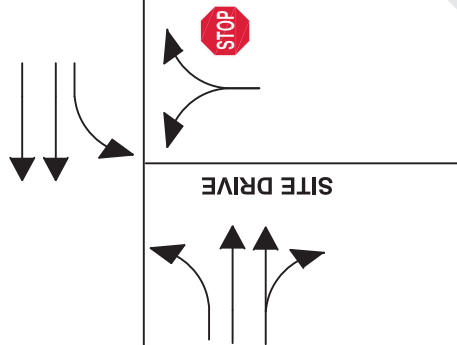
FIGURE 1

SITE LOCATION

EL CAR WASH - MADISON HEIGHTS, MI

LAND USE TRAFFIC CONTROL

SITE GENERATED TRAFFIC VOLUMES



0/0/0 - [7/14/11]
7/13/10 + [7/14/11]

0/0/0 - [15/8/11]
14/8/11 + [15/8/11]

SITE DRIVE

14/8/11 + [7/14/11]
7/14/11 + [15/8/11]

FUTURE TRAFFIC VOLUMES

804/1760/1416
14/27/21

1758/1072/1416
29/16/22

SITE DRIVE

21/22/22
22/22/22

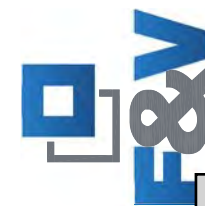
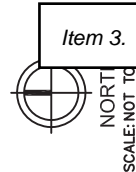


FIGURE 2
LANE USE AND TRAFFIC CONTROL
SITE GENERATED TRAFFIC VOLUMES

EL CAR WASH - MADISON HEIGHTS, MI

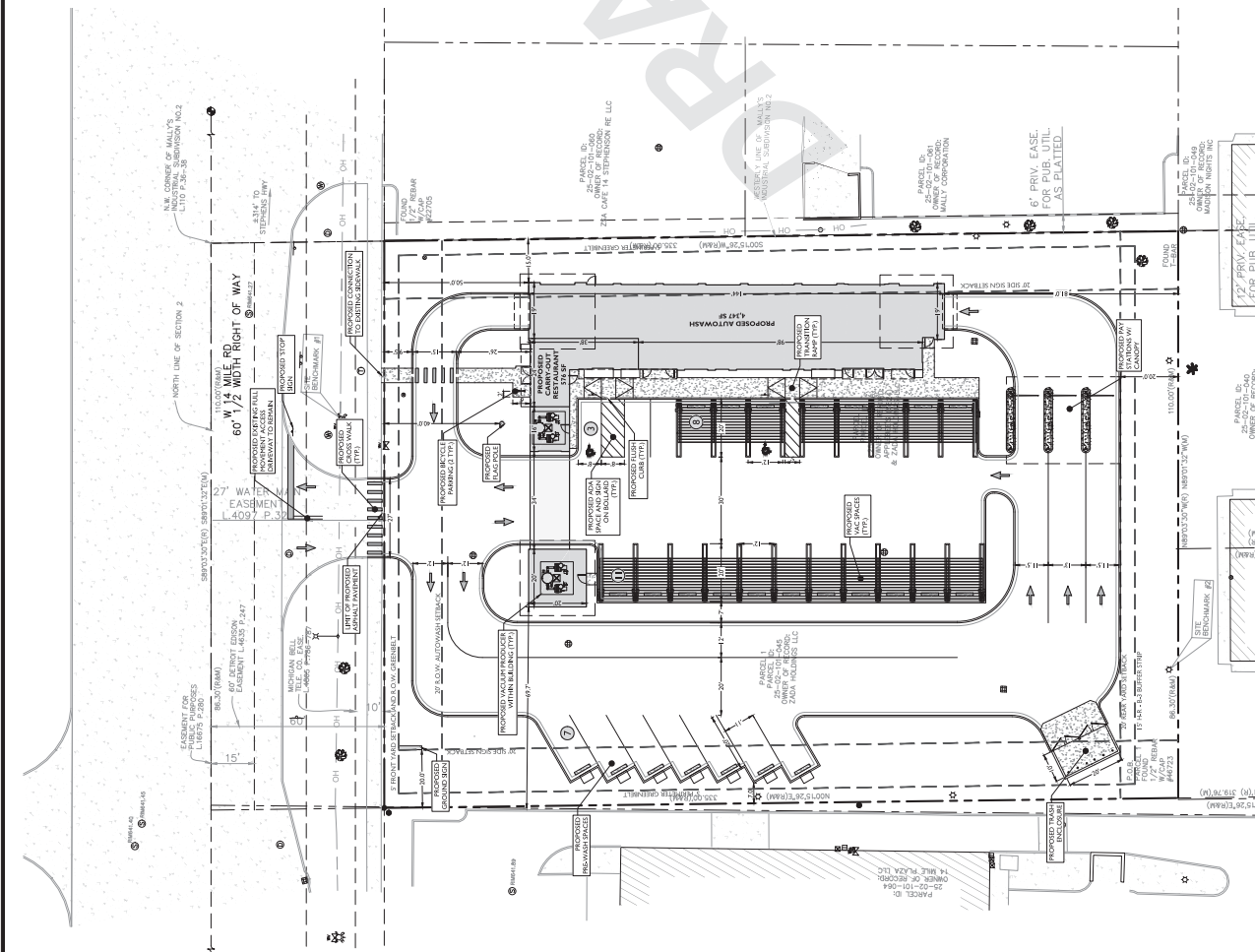
LEGEND



[illegible]

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY AND ANALYZE THE EXISTING SURVEY, RECORDS, CONDITIONS, AND DATA PROVIDED BY THE OWNER. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES, STRUCTURES, AND LANDSCAPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
5. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
6. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
7. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
8. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
9. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
10. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



Crash and Road Data

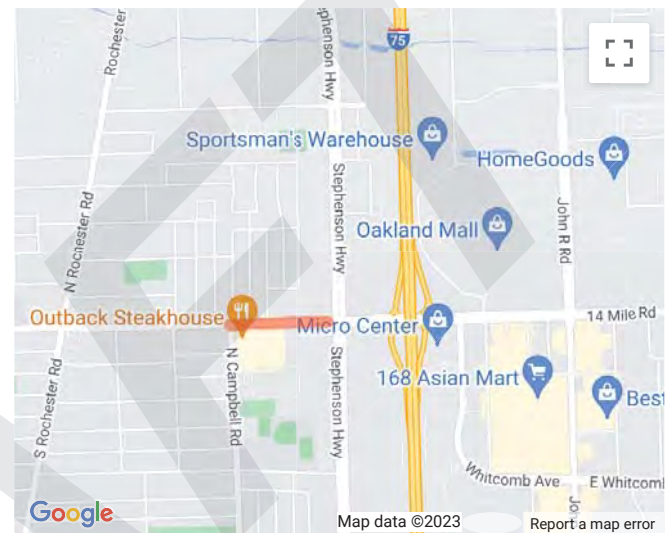
Road Segment Report

14 Mile Rd W, (PR Number 625804)

From:	14 Mile Rd E 1.731 BMP
To:	Campbell Rd 2.018 EMP
Jurisdiction:	County
FALINK ID:	585
Community:	City of Madison Heights , City of Troy
County:	Oakland
Functional Class:	3 - Other Principal Arterial
Direction:	1 Way
Length:	0.287 miles
Number of Lanes:	5
Posted Speed:	40 (source: TCO)
Route Classification:	Old M-59
Annual Crash Average 2017-13 2021:	
Traffic Volume (2018)*:	27,600 (Observed AADT)
Pavement Type (2021):	Concrete
Pavement Rating (2021):	Good
Short Range (TIP) Projects:	No TIP projects for this segment.
Long Range (RTP) Projects:	No long-range projects for this segment.

* AADT values are derived from **Traffic Counts**

Street View





Transportation Data Management System

Volume Count Report

LOCATION INFO	
Location ID	63-5054_EB
Type	SPOT
Funct'l Class	3
Located On	14 MILE RD
Direction	EB
County	Oakland
Community	Madison Heights
MPO ID	40029
HPMS ID	
Agency	MDOT

COUNT DATA INFO	
Count Status	Accepted
Holiday	No
Start Date	Wed 4/18/2018
End Date	Thu 4/19/2018
Start Time	12:00:00 PM
End Time	12:00:00 PM
Direction	EB
Notes	
Station	63-5054
Study	
Speed Limit	
Description	
Sensor Type	Tube Class
Source	TcdsBinToVol
Latitude,Longitude	

INTERVAL:15-MIN					
Time	15-min Interval				Hourly Count
	1st	2nd	3rd	4th	
0:00-1:00	22	12	15	12	61
1:00-2:00	10	8	9	17	44
2:00-3:00	13	6	12	10	41
3:00-4:00	5	13	13	15	46
4:00-5:00	20	17	25	31	93
5:00-6:00	43	66	86	93	288
6:00-7:00	122	183	227	241	773
7:00-8:00	305	384	454	420	1,563
8:00-9:00	427	382	366	277	1,452
9:00-10:00	236	237	231	189	893
10:00-11:00	212	196	193	200	801
11:00-12:00	211	224	251	278	964
12:00-13:00	248	290	301	249	1,088
13:00-14:00	220	244	213	225	902
14:00-15:00	242	250	228	237	957
15:00-16:00	242	249	277	270	1,038
16:00-17:00	260	289	282	264	1,095
17:00-18:00	244	298	272	271	1,085
18:00-19:00	251	257	224	183	915
19:00-20:00	172	180	151	155	658
20:00-21:00	120	117	110	96	443
21:00-22:00	77	85	73	79	314
22:00-23:00	40	50	42	32	164
23:00-24:00	34	31	24	29	118
Total					15,796
AM Peak	07:15-08:15 1,685				
PM Peak	15:45-16:45 1,101				

FIGURE 6-1

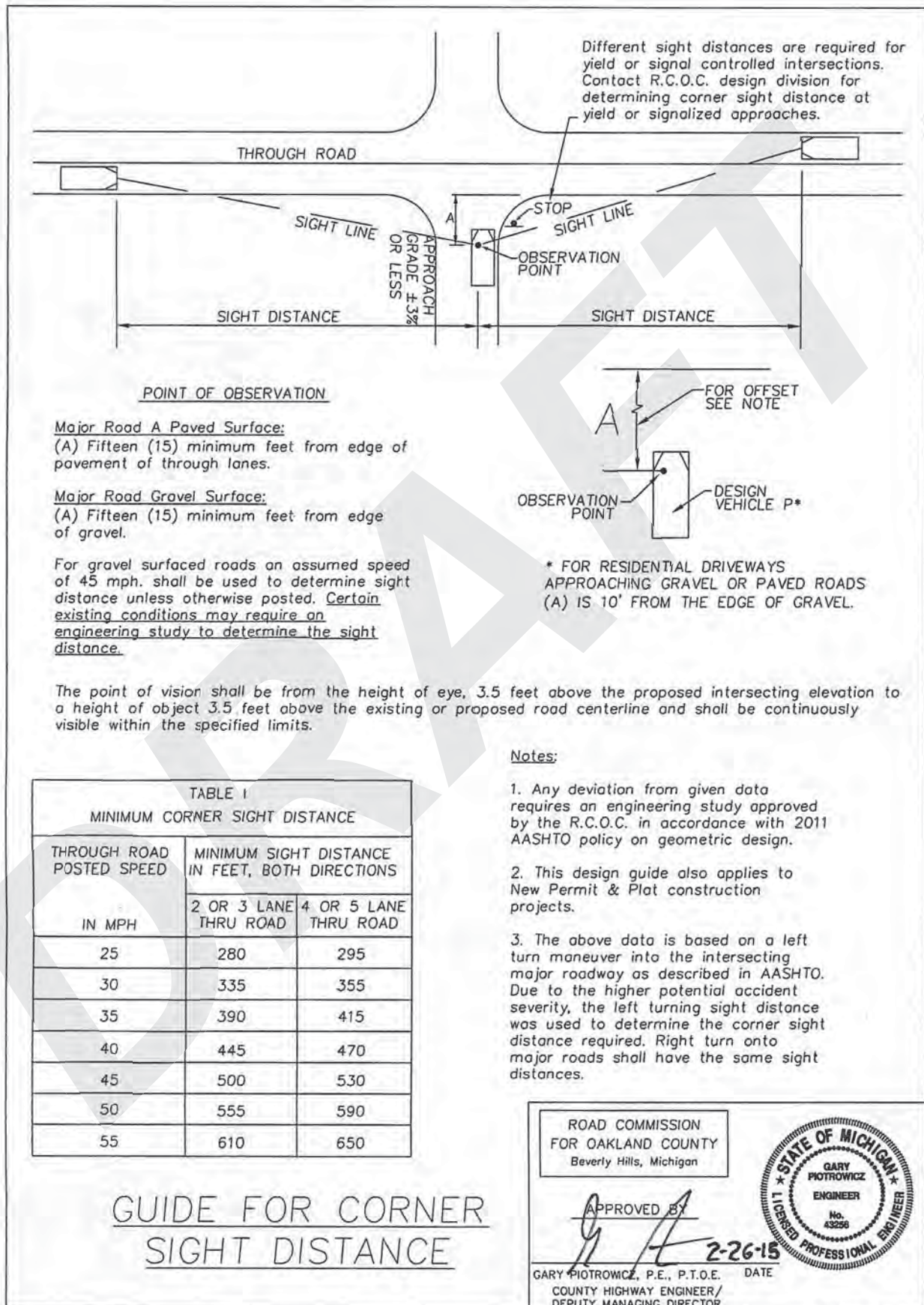
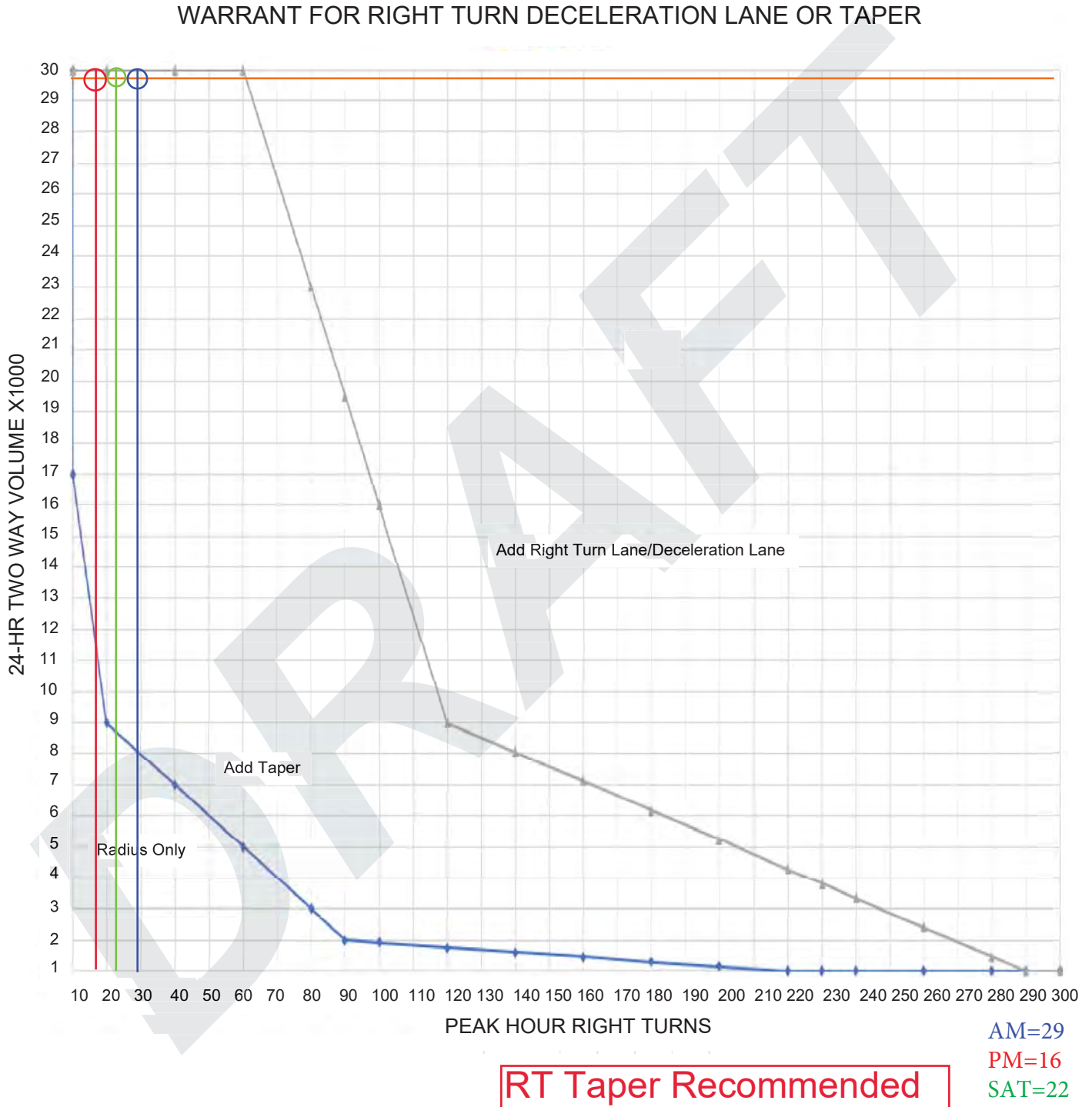


FIGURE 6-3

14 Mile Road & Site Drive



2021 AADT=29,700
2024 AADT=29,900



Transportation Data Management System

Volume Count Report

LOCATION INFO

Location ID	63-5054_WB
Type	SPOT
Funct'l Class	3
Located On	14 MILE RD
Direction	WB
County	Oakland
Community	Madison Heights
MPO ID	40030
HPMS ID	
Agency	MDOT

COUNT DATA INFO

Count Status	Accepted
Holiday	No
Start Date	Wed 4/18/2018
End Date	Thu 4/19/2018
Start Time	12:00:00 PM
End Time	12:00:00 PM
Direction	WB
Notes	
Station	63-5054
Study	
Speed Limit	
Description	
Sensor Type	Tube Class
Source	TcdsBinToVol
Latitude,Longitude	

INTERVAL:15-MIN

Time	15-min Interval				Hourly Count
	1st	2nd	3rd	4th	
0:00-1:00	12	17	13	7	49
1:00-2:00	16	9	8	12	45
2:00-3:00	4	12	6	3	25
3:00-4:00	8	9	12	13	42
4:00-5:00	7	17	22	30	76
5:00-6:00	48	93	75	92	308
6:00-7:00	122	173	150	160	605
7:00-8:00	222	235	200	215	872
8:00-9:00	168	215	179	213	775
9:00-10:00	174	175	167	177	693
10:00-11:00	179	179	196	177	731
11:00-12:00	229	237	265	281	1,012
12:00-13:00	250	264	240	229	983
13:00-14:00	210	234	183	227	854
14:00-15:00	206	286	234	280	1,006
15:00-16:00	231	280	291	331	1,133
16:00-17:00	334	415	415	432	1,596
17:00-18:00	489	452	339	349	1,629
18:00-19:00	285	267	214	247	1,013
19:00-20:00	204	172	165	163	704
20:00-21:00	168	167	118	124	577
21:00-22:00	115	113	76	78	382
22:00-23:00	62	61	40	50	213
23:00-24:00	31	30	30	17	108
Total					15,431
AM Peak	11:30-12:30 1,060				
PM Peak	16:30-17:30 1,788				



AGENDA ITEM SUMMARY FORM

MEETING DATE: 2/13/23

PREPARED BY: Giles Tucker - CED

AGENDA ITEM CONTENT: CED Fee Schedule Amendment- 4-Year Landlord License Term

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: \$0

FUNDS REQUESTED: \$0

FUND: 101-017-476-4771

EXECUTIVE SUMMARY:

A resolution extending the term of landlord licenses from three years to four years. The proposed change is intended to stagger renewals over a greater period of time, reducing additional inspection costs by stabilizing the volume of rental inspections from month to month, and providing a more manageable and predictable cycle of inspection and repair for property managers.

RECOMMENDATION:

Staff recommends that the landlord license terms be extended from three to four-year terms, made effective immediately following the approval of the proposed resolution.

MEMORANDUM

DATE: February 13, 2023

TO: Melissa Marsh - City Manager

FROM: Giles Tucker - Community & Economic Development Director

SUBJECT: **CED Fee Schedule Amendment- 4-Year Landlord License Term**

SUMMARY:

The city's property maintenance code includes a landlord licensing program that requires inspection and license renewal for a term and fee set by city council resolution. The current landlord license has a term of three years. In 2020, the city ended the full-time, in-house inspector position and added a 20 hour per week rental inspector fee paid monthly. This reduced available inspection hours for scheduling, but maintained the same inspection volume. This has resulted in delays inspection scheduling, and additional inspection fees in busy months.

Extending the term of the license from three to four years will allow more scheduling flexibility. This will allow staff to stagger inspections for larger complexes between terms, creating a more consistent volume of inspections throughout the year. This will help reduce inspection costs and provide a more manageable and consistent repair cycle for property managers.

The extension also allows the City to avoid legal issues that can potentially arise from landlord licensing limitations posed by the Mobile Home Commission Act. The act states that the period between inspections shall not be less than three- years unless the city is responding to a tenant complaint. A four year term will provide enough flexibility to ensure that noticing, scheduling and initial inspections will occur well after this 3 year minimum has been met.

STAFF RECOMMENDATION:

Staff recommends that the landlord license terms be extended from three to four-year terms, made effective immediately following the approval of the proposed resolution.

**RESOLUTION
AMENDMENT TO COMMUNITY DEVELOPMENT DEPARTMENT
FEE SCHEDULE**

WHEREAS, the City of Madison Heights has adopted a City Code containing building regulations including the property maintenance code and other provisions such as landlord licensing, to protect the public health safety and welfare; and

WHEREAS, the City Code provides that fees and term of a landlord license shall be established by City Council; and

THEREFORE, BE IT RESOLVED, that the Community Development Fee Schedule be amended as follows:

Landlord licensing registrations and renewals calculated on a 48- month basis with fees set according to the following schedule:

<u>Four-Year Registration Fees:</u>	<u>New Registrations and Renewals Through Renewal Date*</u>
Single-family	\$200.00
2 to 4 units	\$245.00
5 or more units	\$47.50 per unit

*Code enforcement action will commence if the application and fee are not received before the current expiration date; if the renewal is not completed within thirty (30) days after the renewal date; or if a new application is not completed within thirty (30) days of the initial application date.

A fee of \$70.00 per inspection shall be charged for all locked-out inspections and the second re-inspection of all failed inspections.

Note: All renewal licenses are for thirty-six (36) months. New and pro-rated licenses may be for less than thirty- six (36) months. All licenses for the same landlord will expire on the same date.

Yeas:

Nays:

Absent:

Motion Carried.

Special City Council Meeting
 Madison Heights City Council
 Madison Heights, Michigan
 January 23, 2023

A Special City Council Meeting of the Madison Heights City Council was held on Monday, January 23, 2023 at 6:30 p.m. in the Executive Conference Room at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Pro Tem Bliss and Councilmembers: Aaron, Fleming, Rohrbach, Soltis and Wright. City Manager Marsh, City Attorney J. Sherman, and Deputy City Clerk Boucher.

Absent: Mayor Grafstein

Others Present: Special Legal Counsel Nate Fink and Special Legal Counsel Stephen Stella.

CM-23-09. Excuse Councilmember.

Motion made by Councilman Fleming, Seconded by Councilwoman Aaron, to excuse Mayor Grafstein from tonight's meeting.

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

Absent: Mayor Grafstein
 Motion carried.

CM-23-10. Meeting Open to the Public.

There were no members of the public wishing to speak.

CM-23-11. Closed Meeting – Pending Litigation.

Mayor Pro Tem Bliss requested a motion to move into Closed Meeting at 6:31 p.m.

Motion by Councilor Wright, seconded by Councilor Rohrbach to move to a Closed Meeting to discuss Pending Litigation that is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:

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

Absent: Mayor Grafstein
 Motion carried.

CM-23-12. Adjournment.

There being no further business, Mayor Pro Tem Bliss adjourned the meeting at 7:10 p.m.

Mark A. Bliss
 Mayor Pro Tem

Phommady A. Boucher
 Deputy City Clerk

City Council Regular Meeting
Madison Heights, Michigan
January 23, 2023

A City Council Regular Meeting was held on Monday, January 23, 2023, at 7:30 PM in the Council Chambers at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

PRESENT

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

ABSENT

Mayor Roslyn Grafstein

OTHERS PRESENT

City Manager Melissa Marsh
City Attorney J. Sherman
Deputy City Clerk Phommady A. Boucher
Department of Public Services Director Corey Almas
Lieutenant Ray Gilson

CM-23-13. Excuse Councilmember.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to excuse Mayor Grafstein from tonight's meeting.

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

Absent: Mayor Grafstein

Motion carried.

The invocation was led by Councilwoman Aaron and the Pledge of Allegiance followed.

CM-23-14. Addition to the Agenda.

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

under Reports, to adopt the recommendation of City Attorney to appoint Simons, Stella and Zingas, P.C. as Special Legal Counsel.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-15. Appointment of Acting City Clerk.

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

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

Absent: Mayor Grafstein

Motion carried.

PRESENTATIONS:**2022 Holiday Light Awards**

On behalf of the Active Adult Advisory Board, Department of Public Services (DPS) Director Corey Almas announced the 2022 Holiday Lighting Award winners, as follows:

First Place Winner: Andrew Lewandowski of 30339 Garry Avenue

Second Place Winner: Shawn Bennis of 1533 West Whitcomb Avenue

He then shared a PowerPoint presentation of the winner's and nominees outstanding displays. He also noted that in July, there will be a Summer Beautification awards for residents to participate in and nominations are due to the Active Adult Advisory Board by June 1st.

Child Protective Services Data

Councilman Dave Soltis presented data from Child Protective Services and summarized the information in a PowerPoint presentation on child maltreatment. He noted that he has been looking at the data with the hopes of understanding the critical areas reported and the statistics. He noted that he wanted to format the data to be able to look at the scope of the problem in Madison Heights and the State of Michigan.

MEETING OPEN TO THE PUBLIC:

Martha Covert thanked City Manager Melissa Marsh and those involved in the building renovations and the beautiful new Council Chambers. She stated Councilwoman Toya Aaron's invocation was right, we all need to work together. Ms. Covert talked about the Crime Commission and Arts Board collaboration with the Bike Rodeo. She suggests the Environmental Citizen's Committee partner with another board when they host their plant sales.

CONSENT AGENDA:

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve the Consent Agenda as read.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-16. Amy Pugh – Resignation from the Human Relations and Equity Commission.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to accept the resignation of Amy Pugh from the Human Relations and Equity Commission and declare the seat vacant.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-17. City Council Regular Meeting Minutes of January 9, 2023.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve the City Council Regular Meeting minutes of January 9, 2023, as printed.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-18. City Council Special Meeting Minutes of January 12, 2023.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve the City Council Special Meeting minutes of January 12, 2023, as printed.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-19. Fire Department Ambulance Adjustment.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve the Fire Department ambulance adjustment.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-20. Appoint Simons, Stella & Zingas, P.C. as Special Legal Counsel.

Motion made by Councilwoman Aaron, Seconded by Councilman Fleming, to approve the recommendation of the City Attorney to appoint Simons, Stella & Zingas, P.C. as Special Legal Counsel.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-21. Fire Department Power Load Lifting System (budget amendment).

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve a budget amendment of \$31,500 to account 101-336-982-000 for the Fire Department Power Load Lifting System.

Roll Call Vote:

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

Absent: Mayor Grafstein

Motion carried.

CM-23-22. Fire Department Power Load Lifting System (purchase).

Motion made by Councilor Wright, Seconded by Councilwoman Aaron, to award the purchase of one Power Load Lifting System from Stryker for \$31,387.28.

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

Absent: Mayor Grafstein

Motion carried.

CM-23-23. Ordinance No. 2192, Stormwater Illicit Discharge Elimination Plan Ordinance, First Reading.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to adopt Ordinance No. 2192, Stormwater Illicit Discharge Elimination Plan Ordinance, First Reading:

ORDINANCE NO. 2192
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 29, Article V, Section 29-116 to provide for the health, safety, and general welfare of the citizens of the City of Madison Heights through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 29, Article V, Section 29-116 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 29-116 Exclusion of Stormwater from Sanitary Sewers & Illicit Discharge Elimination

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

- (1) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring

procedures necessary to ensure compliance with this article.

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

Authorized enforcement agency means the City of Madison Heights Department of Public Services and its authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager or Mayor of the City of Madison Heights to enforce this Ordinance. Where applicable, the terms may also mean the director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Madison Heights.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County means the County of Oakland.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land deemed to operate under a national permit. Such activities include, but are not limited to: clearing and grubbing, grading, excavating, and demolition.

Hazardous materials mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in sub-section G of this Ordinance.

Illicit connections mean either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited, to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and

wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
 (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101, et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sanitary sewer system means the publicly owned facilities consisting of, but not limited to, transporting pipes, pumping equipment, storage containment, treatment operations and other structures for purpose of wastewater remediation for the management of water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention

and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

C. Exclusion of stormwater from sanitary sewers:

- (1) Direct connection of any stormwater source to sanitary sewers is not allowed.
- (2) Subsurface water collected by edge drains, sump pumps or other means of conveyance must be discharged into a storm sewer or on surface with positive drainage to an approved point of collection.
- (3) Sanitary sewer systems shall be periodically checked for infiltration and repaired as needed.

D. Applicability: This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

E. Enforcement, Responsibility for Administration: This Ordinance shall be enforceable by the City of Madison Heights Department of Public Services or other authorized enforcement agency, as appropriate.

F. Minimum Standards: The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

G. Discharge Prohibitions:

- (1) Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the storm drain system or watercourses, any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

- (a) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.

(b) Discharges specified in writing by the City of Madison Heights Department of Public Services as being necessary to protect public health and safety.

(c) Dye testing, when there has been verbal notification to the Department of Public Services and state department of environmental quality procedures have been followed.

(d) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(e) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards: water line flushing and discharges from potable water sources; landscape irrigation runoff, lawn watering runoff, and irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising groundwaters and springs; uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps; air conditioning condensation; waters from noncommercial car washing; street wash water; dechlorinated swimming pool water from single-, two- or three-family residences. Other swimming pools shall not be discharged to stormwater or to surface waters of the state without NPDES permit authorization from EGLE.

(2) Prohibition of illicit connections.

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this article if the person connects a line conveying sewage to a storm drain system or MS4 or allows such a connection to continue.

(3) Prohibition of Direct Dumping or Disposal of Materials into the MS4.

The direct dumping of materials or discharges into the MS4 is prohibited except for those illicit discharges identified as not being a significant contributor to violations of water quality standards.

H. Right of Entry: The City of Madison Heights Department of Public Services or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this article. Refusal of reasonable access to the City and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this article.

I. Suspension of Storm Sewer System Access:

- (1) Suspension due to illicit discharges in emergency situations: The Department of Public Services or other authorized enforcement agency may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the Waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.
- (2) Suspension due to the detection of illicit discharge: Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated if such termination would abate or reduce an illicit discharge. The Department of Public Services will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the City for reconsideration and hearing.
- (3) Violations: A person violates this article if the person reinstates storm sewer system access to premises terminated pursuant to this section, without the prior approval of the Department of Public Services or other authorized enforcement agency.

J. Industrial or Construction Activity Discharges: Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.

K. Monitoring of Discharges: The City of Madison Heights Department of Public Services has the right to require non-residential dischargers to install monitoring equipment as necessary if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

L. Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices: The City of Madison Heights Department of Public Services or his designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as

necessary for compliance with requirements of the NPDES permit.

M. Watercourse Protection: Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

N. Notification of Spills: Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Madison Heights Department of Public Services within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

O. Enforcement:

(1) Notice of Violation: Whenever the city engineer or his designee finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Madison Heights may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination of hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(2) Abatement of a Violation: If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the City of Madison Heights or its designee at the violator's expense.

P. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the

determination of the City of Madison Heights. The notice of appeal must be received by the City Clerk within 30 days from the date of the Notice of Violation. Hearing on the appeal by the City Council's appointed hearing officer shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the hearing officer shall be final.

Q. Enforcement of Measures after Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the City of Madison Heights upholding its decision, then representatives of the City or its designees shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or its designee to enter upon the premises for the purposes set forth above.

R. Cost of the Abatement of the Violation: Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the City of Madison Heights or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of five percent (5%) per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

S. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Madison Heights may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

T. Appeal of Notice of Violation: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Madison Heights may impose upon a violator's alternative compensatory actions; including, but not limited to: storm drain stenciling, attendance at compliance workshops, and creek cleanup.

U. Violations Deemed a Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The City of Madison Heights may also simultaneously or alternatively initiate a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

V. Criminal Prosecution:

- (1) Any person who violates this ordinance shall be guilty of a misdemeanor and subject to the penalties set forth in Sec 1-7 of the City of Madison Heights Code.

(2) The City of Madison Heights may recover all attorney's fees; court costs; and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

W. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction 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.

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 commenced.

Section 5.

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

Section 6.

A copy of this ordinance may be inspected or purchased at the City Clerk's office at 300 West Thirteen Mile Road, Madison Heights, Michigan, 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: Councilwoman Aaron, Mayor Pro Tem Bliss, Councilman Fleming, Councilor Rohrbach, Councilman Soltis, Councilor Wright

Absent: Mayor Grafstein

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron commented on the beautiful new Council Chamber. She congratulated the winners and nominees of the 2022 Holiday Light Awards. Councilwoman Aaron thanked Councilman Soltis for the Child Protective Services PowerPoint presentation. She talked about the statistics and the responsibilities of a Child Protective Services worker. Councilwoman Aaron wished her mom a Happy Birthday.

Councilor Wright acknowledged the Martin Luther King Jr. peace vigil on January 16th that brought the community together. He thanked State Senator Stephanie Chang, State Representative Mike McFall, Congresswoman Haley Stevens, members of the Library Board, Superintendent Patricia Perry, and Principal Amy Guzynski for attending the event. Councilor Wright praised DPS Director Corey Almas for providing transportation and taking photos for the 2022 Holiday Light Awards. He spoke about Barb Gerald's life celebration on January 21st and stated she is a true servant of the City of Madison Heights. Councilor Wright encouraged everyone to sign up for a

blood drive for the Madison Heights Community Coalition and more information to come on social media.

Assistant City Attorney Burns had no comments this evening.

City Manager Marsh invites everyone to the Zoning Ordinance Rewrite – Open House/Workshop #2 on Tuesday, February 7th from 5 – 7 p.m. at Fire Station #1.

Deputy City Clerk reminded everyone that the Boards and Commissions application and vacancy list is available on the city website at www.madison-heights.org. Applications are due by February 15th to the Clerk's Office.

Councilor Rohrbach echoed the sentiments of Councilor Wright with the Martin Luther King Jr. peace vigil. She especially enjoyed the inspiring speeches and the quiet reflection of standing together as a community. Councilor Rohrbach thanked everyone that attended and those who participated. The Human Relations & Equity Commission (HREC) is collaborating with the Library to discuss a deaf reader program, story time for Black History Month in February, story time for Women's History Month in March, and alternate locations while the Library is closed. The Arts Board and the HREC is working together to discuss a Michigan Statewide Independence Living initiative and a community wide art project that celebrates Americans with Disability Act (ADA) Pride Month in July. Councilor Rohrbach will report to Mayor and Council the HREC strategic plan at the February 27th Regular Council meeting because she will be out of town for the next scheduled meeting.

Councilman Fleming congratulated the winners and nominees of the 2022 Holiday Light Awards. He commended Suzette Gysel on her recent retirement from the City of Madison Heights. Councilman Fleming welcomed newly appointed Officer Jacob Greenway and Office Scott Spencer to Madison Heights. He suggests giving an award to the Hayter family at 758 W. Gardenia for their skeleton family display that uplifts the spirit and boost morale in our city.

Councilman Soltis complimented Suzette Gysel on her recent retirement and shared an experience with Suzette during his internship with the City of Madison Heights. He applauds City Manager Melissa Marsh for successfully orchestrating the renovations of the City Hall.

Mayor Pro Tem Bliss asked to acknowledge an amazing historical moment in the delightful new Council Chamber and in the midst the largest Capital Improvement in the city since the City Hall was built in 1964. He thanked Mayor Roslyn Grafstein for her confidence in him to lead in the meetings in her absence. Mayor Grafstein is at a meeting with the Japanese Consulate and Mexican Consulate. Mayor Pro Tem praised Mayor Grafstein's ability bring relationships together and build bridges with different groups in our community. He reiterated resident Martha Covert's earlier comment of working together. We're all neighbors who wouldn't have signed up for this if we didn't have a thick skin and have the desire to see the city continue to improve, progress, and change in a positive direction.

ADJOURNMENT:

Having no further business, the meeting was adjourned at 8:23 p.m.

Mark A. Bliss
Mayor Pro Tem

Phommady A. Boucher
Deputy City Clerk

DRAFT



AGENDA ITEM SUMMARY FORM

MEETING DATE: 02/13/23

PREPARED BY: Melissa R. Marsh, City Manager

AGENDA ITEM CONTENT: Interlocal Agreement Oakland Together Senior Center Matching Grant

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: \$0

FUNDS REQUESTED:

FUND: 470-265

EXECUTIVE SUMMARY:

The Oakland County Board of Commissioners approved amended Miscellaneous Resolution #22-280 and assigned \$5,000,000 in ARPA LFRF funds to support Oakland Together Senior Initiatives, a grant program to provide Oakland County local governments and nonprofit senior organizations with financial assistance for senior center enhancements, such as capital, technology, infrastructure, equipment improvements, and/or professional development.

The City of Madison Heights applied for maximum funding through this grant and was awarded \$250,000. Matching funds are available in the Civic Center Plaza Construction Fund specifically designated to the new Active Adult Center. Details of items included and how they related to COVID-19 are in EXHIBIT A.

RECOMMENDATION:

I recommend City Council approve the City of Madison Heights entering this agreement and authorize the City Manager to execute this agreement on behalf of the City.

**AGREEMENT FOR LOCAL FISCAL RECOVERY FUND DISTRIBUTION BETWEEN
OAKLAND COUNTY AND
CITY OF MADISON HEIGHTS, MICHIGAN**

Item 7.

This Agreement (the "Agreement") is made between Oakland County, a Municipal and Constitutional Corporation, 1200 North Telegraph Road, Pontiac, Michigan 48341 ("County"), and the City of Madison Heights ("Public Body") 300 West 13 Mile Road, Madison Heights, MI 48071. County and Public Body may be referred to individually as a "Party" and jointly as "Parties".

PURPOSE OF AGREEMENT. On March 11, 2021, the President of the United States signed the American Rescue Plan Act of 2021 ("ARPA") into law. Section 9901 of ARPA amended Title VI of the Social Security Act to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund. Oakland County has been allocated \$244,270,949 in Local Fiscal Recovery Fund ("LFRF") dollars under ARPA.

The United States Department of Treasury has issued an interim final rule, and other guidance for qualified uses of LFRF. Those qualified uses include supporting eligible investments in public health expenditures, addressing negative economic impacts caused by the public health emergency, replacing lost public sector revenue, providing premium pay for essential workers, and investing in water, sewer and broadband infrastructure. The County has determined that the distribution of funds in accordance with this Agreement is a qualified use of LFRF funds pursuant to the interim rule and other applicable Department of Treasury guidance.

The Oakland County Board of Commissioners approved amended Miscellaneous Resolution #22-280 and assigned \$5,000,000 in ARPA LFRF funds to support Oakland Together Senior Initiatives, a grant program to provide Oakland County local governments and nonprofit senior organizations with financial assistance for senior center enhancements, such as capital, technology, infrastructure, equipment improvements, and/or professional development.

County and Public Body enter into this Agreement pursuant to the Urban Cooperation Act of 1967, 1967 Public Act 7, MCL 124.501 *et seq.*, for the purpose of County distributing a portion of its LFRF funds to Public Body.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, shall be defined, read, and interpreted as follows:
 - a. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, exhibit and attachment.
 - b. **Claims** mean any alleged losses, claims, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation, costs, and expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, amounts paid in settlement, and/or other amounts or liabilities of any kind which are incurred by or asserted against County or Public Body, or for which County or Public Body may become legally and/or contractually obligated to pay or defend against, whether direct, indirect or consequential, whether based upon any alleged violation of the federal or the state constitution, any federal or state statute, rule, regulation, or any alleged violation of federal or state common law, whether any such claims are brought in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.

- ### 3. PUBLIC BODY'S RESPONSIBILITIES.

executed.

Item 7.

- c. Public Body shall submit to Oakland County quarterly reporting on the grant funds, including:
 - 1. Project progress reports, including completion of deliverables included in project scope;
 - 2. Accounting of incurred expenses and grant funds expended; and
 - 3. Any other relevant information or records, to be determined by County.
- d. Public Body shall submit to Oakland County a final report by the end of the Agreement or within 30 days after final project completion, whichever date is sooner, on the grant funds, including:
 - 1. Project completion report;
 - 2. Full accounting of its expenditure of grant funds;
 - 3. Certification of its use of grant funds and fulfillment of the terms of the Agreement; and
 - 4. Any other relevant information or records, to be determined by County.
- e. Public Body shall respond to and be responsible for Freedom of Information Act requests relating to Public Body's records, data, or other information.
- f. Public Body must comply with any other reporting requirements regarding the grant funds and/or this Agreement, as determined by the County.

4. **COUNTY'S RESPONSIBILITIES.**

- a. County shall designate in writing a department, individual, or other entity to oversee the reporting requirements set forth in Section 3 above to ensure timely reporting, accurate accounting, and verification of final certification.
- b. County shall pay the invoice provided by the Public Body within 30 days of receiving it from the Public Body.

5. **PUBLIC BODY AFFIRMATIONS.**

- a. Public Body affirms that any and all representations made to County in connection with its application and this grant were accurate, truthful and complete and remain so. Public Body acknowledges that all representations and information provided have been relied on by the County to provide funding under this Agreement. Public Body shall promptly notify County, in writing, of the occurrence of any event or any material change in circumstances which would make any Public Body representation or information untrue or incorrect or otherwise impair Public Body's ability to fulfill its obligations under this Agreement.
- b. Public Body will comply with any federal, state, or local public health orders or mitigation recommendations regarding the COVID-19 pandemic which are in effect as of the date this Agreement is signed by both Parties.
- c. Public Body may not use grant funds for expenses for which the Public Body has received any other federal funds or emergency COVID-19 supplemental funding, whether it be state, federal, or private in nature, for the same expense. No portion of grant funds may be used for the purpose of obtaining additional Federal funds under any other law of the United States, except if authorized by law. Public Body shall promptly notify County if it receives insurance proceeds or other disaster assistance (public or private) that duplicates the funding received under this Agreement. Grant funds may not be used to cover expenses that were reimbursed by insurance.
- d. Public Body shall not carry out any activities under this Agreement that results in a prohibited

duplication of benefits as defined by Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155) and in accordance with Section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115–254; 132 Stat. 3442), which amended Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155). If the Public Body receives duplicate benefits from another source for projects related to this disaster, the Public Body must refund the benefits provided by the County to the County. Duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs.

- e. Public Body shall use all grant funds it receives under this Agreement by December 31, 2026. Any grant funds not used by that date must be returned to County.
 - f. Public Body understands that the grant funds it receives under this Agreement are a subaward of County's LFRF funds, and that County is required to manage and monitor any subrecipient of LFRF funds. Therefore, Public Body agrees to comply with any subrecipient monitoring requirements established by County or by Federal law.
6. **REPAYMENT REMEDIES.** Public Body is subject to repayment to the County of an amount equal to the grant funds received by Public Body in the event Public Body has made material misrepresentations to the County in its application, voluntary bankruptcy or insolvency proceeding are commenced against the Public Body and not set aside within sixty (60) days, or the Public Body fails to otherwise comply with the requirements of this Agreement. In the event County later determines the information Public Body provided in conjunction with this Agreement, or that Public Body was ineligible for the grant funds, or that Public Body's use of the grant funds following receipt was contrary to this Agreement, Public Body agrees to repay the grant funds to County in full. County further retains all rights and remedies allowed in law or equity, including seeking payment of its reasonable costs and expenses incurred enforcing its rights and remedies.
 7. **TAX LIABILITY.** County and Public Body agree that to the extent that any part of the aforementioned funds are deemed to be taxable, that Public Body agrees to be fully responsible for the payment of any taxes, including withholding payments, social security, or other funds which are required to be withheld. Public Body agrees to provide County with all information and cooperation necessary to execute a completed 1099-G form; which County will file with the United States Internal Revenue Service. Public Body acknowledges that Public Body will consult with a tax professional regarding the tax implications, if any, of the grant funds, and/or hereby waives the option to do so. Public Body further agrees to indemnify and hold County harmless for the payment of any tax or withholding payments, including any penalty assessed it may owe under this Agreement.
 8. **CONFLICT OF INTEREST.** Pursuant to Public Act 317 and 318 of 1968, as amended (MCL 15.301, *et seq.* and MCL 15.321, *et seq.*), to avoid any real or perceived conflict of interest, Public Body shall disclose to County the identity of all Public Body Employees and all relatives of Public Body Employees who: a) are employed by the County or are elected or appointed officials of the County, on the date this Agreement is executed; and b) becomes employed or appointed by the County or becomes an elected official of County during the term of the Agreement.
 9. **ACCESS TO RECORDS AND AUDIT.** Payments from ARPA funds are subject to 2 C.F.R. 200.303 regarding internal controls, 2 C.F.R. 200.331-333 regarding subrecipient monitoring and management, and 2 C.F.R. Part 200 Subpart F regarding audit requirements. Where applicable, these

requirements are considered legally binding and enforceable under this Agreement. Oakland County reserves the right to use any legal remedy at its disposal including, but not limited to, disallowance of costs, withholding of funds or recoupment as may be necessary to satisfy requirements. Subawards or subcontracts, if any, shall contain a provision making them subject to all of the provisions in this Agreement.

Public Body shall maintain all records pertinent to the Agreement and any amendments, including backup copies, for a period of five (5) years. The records shall be kept in accordance with generally accepted accounting practices, utilize adequate internal controls and shall maintain necessary documentation for all costs incurred, including documentation and an inventory of all equipment purchased with grant funds. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

In addition to County, the U.S. Department of Treasury, or their authorized representatives, shall be provided the right to audit all records pertaining to the expenditure and use of grant funds. All records with respect to any matters covered by this Agreement shall be made available to County, the Federal awarding agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by Public Body within 30 days after receipt by the Public Body. Failure of Public Body to comply with the audit requirements will constitute a violation of this Agreement.

Fund payments are considered “other federal financial assistance” under Title 2 C.F.R. 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”) and are subject to the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507 or program specific audit pursuant to 2 C.F.R. 200.501(a) when Public Body spends \$750,000 or more in federal awards during their fiscal year.

Fund payments are subject to 2 C.F.R. 200.303 regarding internal controls. Subrecipient must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the Subrecipient is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the award.

Fund payments are subject to 2 C.F.R. 200.330 through 200.332 regarding Public Body monitoring and management. Fund payments are subject to Subpart F regarding audit requirements. Failure of Public Body to comply with the audit requirements will constitute a violation of this Agreement. Public Body may be required to submit a copy of that audit to the County in accordance with the Uniform Guidance.

10. **COMPLIANCE WITH LAWS.** Public Body shall comply with all federal, state, and local laws, statutes, ordinances, regulations, and all requirements applicable to its activities under the Agreement and grant. This includes the following:

- a. Public Body must comply with 2 C.F.R. 200.303(e) and take reasonable measures to safeguard protected personally identifiable information, as defined in 2 C.F.R. 200.82, and other information County designates as sensitive or the Public Body considers sensitive consistent with applicable Federal, state, and local laws regarding privacy and obligations of confidentiality.

- b. Public Body must comply with 2 C.F.R. 200.322 if it is passing through grant funds/issuance subawards to other entities. Item 7.
- c. Public Body must comply with 31 U.S.C. Chapter 38, Administrative Remedies for False Claims and Statements. Public Body will not pass-through grant funds to an entity listed in the SAM Exclusions. SAM Exclusions is the list maintained by the General Services Administration that contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. SAM exclusions can be accessed at www.sam.gov.
- d. Public Body must register at sam.gov.
- e. Public Body must comply with Title VI of the Civil Rights Act of 1964, and any implementing regulations, which prohibits entities receiving Federal financial assistance from excluding from a program or activity, denying benefits or services, or otherwise discriminating against a person on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity). All applicable U.S. Department of Treasury Title VI regulations are incorporated into this Agreement and made a part of this Agreement.

11. **DURATION OF INTERLOCAL AGREEMENT.**

- a. This Agreement shall be effective when executed by both Parties with resolutions passed by the governing bodies of each Party. The approval and terms of this Agreement shall be entered in the official minutes of the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed by the County Clerk with the Secretary of State.
- b. This Agreement shall remain in effect until December 31, 2026, or until cancelled or terminated by any of the Parties pursuant to the terms of the Agreement. Public Body shall comply with the record keeping, reporting, audit response, and fund return requirements of this Agreement after the termination of this Agreement.

12. **ASSURANCES.**

- a. **Responsibility for Claims.** Each Party shall be responsible for any Claims made against that Party by a third party, and for the acts of its employees arising under or related to this Agreement.
- b. **Responsibility for Attorney Fees and Costs.** Except as provided for in Sections 7 and 14, in any Claim that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including judgments and attorney fees.
- c. **No Indemnification.** Except as otherwise provided for in this Agreement, neither Party shall have any right under this Agreement or under any other legal principle to be indemnified or reimbursed by the other Party or any of its agents in connection with any Claim.
- d. **Costs, Fines, and Fees for Noncompliance.** Public Body shall be solely responsible for all costs, fines and fees associated with any misuse of the grant funds and/or for noncompliance with this Agreement by Public Body Employees.
- e. **Reservation of Rights.** This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.
- f. **Authorization and Completion of Agreement.** The Parties have taken all actions and

secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

13. **TERMINATION OR CANCELLATION OF AGREEMENT.**

- a. County may terminate or cancel this Agreement at any time if it determines that Public Body has expended the grant funds in violation of ARPA requirements or this Agreement. If County terminates or cancels this Agreement, Public Body shall be liable to repay County the amount of money expended in violation of ARPA requirements or this Agreement. County may utilize the provisions in Section 14 to recoup the amount of money owed to County by Public Body.
- b. Public Body may terminate or cancel this Agreement at any time. If Public Body terminates or cancels this Agreement, it shall immediately return to County any and all grant funds it has received.
- c. If either Party terminates or cancels this Agreement, they shall provide written notice to the other Party in the manner described in Section 21.

14. **SETOFF OR RETENTION OF FUNDS**

- a. In any case where Public Body is required to return an amount of money to County under this Agreement, Public Body agrees that unless expressly prohibited by law, County or the Oakland County Treasurer, at their sole option, shall be entitled to set off from any other Public Body funds that are in County's possession for any reason, including but not limited to, the Oakland County Delinquent Tax Revolving Fund ("DTRF"), if applicable. Any setoff or retention of funds by County shall be deemed a voluntary assignment of the amount by Public Body to County. Public Body waives any Claims against County or its Officials for any acts related specifically to County's offsetting or retaining of such amounts. This paragraph shall not limit Public Body's legal right to dispute whether the underlying amount retained by County was actually due and owing under this Agreement.
- b. Nothing in this Section shall operate to limit County's right to pursue or exercise any other legal rights or remedies under this Agreement or at law against Public Body to secure payment of amounts due to County under this Agreement. The remedies in this Section shall be available to County on an ongoing and successive basis if Public Body becomes delinquent in its payment. Notwithstanding any other term and condition in this Agreement, if County pursues any legal action in any court to secure its payment under this Agreement, Public Body agrees to pay all costs and expenses, including attorney fees and court costs, incurred by County in the collection of any amount owed by Public Body.

15. **DELEGATION OR ASSIGNMENT.** Neither Party shall delegate or assign any obligations or rights under this Agreement without the prior written consent of the other Party.

16. **NO THIRD-PARTY BENEFICIARIES.** Except as provided for the benefit of the Parties, this Agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right in favor of any other person or entity.

17. **NO IMPLIED WAIVER.** Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement.

No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

Item 7.

18. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
19. **PRECEDENCE OF DOCUMENTS**. In the event of a conflict between the terms and conditions of any of the documents that comprise this Agreement, the terms in the Agreement shall prevail and take precedence over any allegedly conflicting terms and conditions.
20. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural, any reference to gender, and any use of the nominative, objective or possessive case in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.
21. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first-class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (i) the date of actual receipt; (ii) the next business day when notice is sent express delivery service or personal delivery; or (iii) three days after mailing first class or certified U.S. mail.
 - a. If Notice is sent to County, it shall be addressed and sent to: Oakland County Executive, 2100 Pontiac Lake Rd., Waterford, MI, 48328, and the Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph Road, Pontiac, MI, 48328.
 - b. If Notice is sent to Public Body, it shall be addressed to: City Manager, Melissa Marsh City of Madison Heights, 300 W. 13 Mile Road, Madison Heights, MI 48071.
22. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
23. **SURVIVAL OF TERMS**. The Parties understand and agree that all terms and conditions of this Agreement that require continued performance, compliance, or effect beyond the termination date of the Agreement shall survive such termination date and shall be enforceable in the event of a failure to perform or comply.
24. **ENTIRE AGREEMENT**.
 - a. This Agreement represents the entire agreement and understanding between the Parties regarding the grant funds, and supersedes all other oral or written agreements between the Parties.
 - b. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

IN WITNESS WHEREOF, Melissa Marsh, City Manager of the City of Madison Heights, Michigan hereby acknowledges that he/she has been authorized by a resolution of the Madison Heights City

Council, a certified copy of which is attached, to execute this Agreement on behalf of Public Body and hereby accepts and binds Public Body to the terms and conditions of this Agreement.

Item 7.

EXECUTED: _____ DATE: _____
Melissa R. Marsh, City Manager
City of Madison Heights, MI

WITNESSED: _____ DATE: _____
Cheryl Rottmann, City Clerk
City of Madison Heights, MI

IN WITNESS WHEREOF, David Woodward, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
David Woodward, Chairperson
Oakland County Board of Commissioners

WITNESSED: _____ DATE: _____
Oakland County Board of Commissioners
County of Oakland

Oakland Together Senior Initiative – Senior Centers Matching Grant Program

Grant Purpose

The Senior Center Grant Program funding will address many issues caused by COVID-19 on our Senior Community and enhance the Senior Center for their use.

By way of background, the City of Madison Heights is currently rebuilding our Senior Center, moving it from its current location on John R to our Civic Center Plaza. This rebuilding project focuses on expanding the center, making it more user-friendly to the seniors and more equipped to offer essential services and programs for a healthier senior community. Based on project bid results, we were forced to downsize the scope of our project and remove many aspects originally planned that were important to the project, our city officials, and our senior community.

When presented with this grant opportunity, we evaluated these features that were removed and decided on the most important for possible grant funding submittal. These items will be added to the project only if outside funding is available through this grant process. All of these specific items were chosen based on their relevance to COVID-19 and the long-term benefits each one of these items will have on our senior community.

- **Landscaping Senior Sensory Garden and Pavilion with outdoor sitting space**
 - Grant Funding Requested \$149,000
 - \$79,000 Landscaped Senior Sensory Garden
 - \$70,000 Pavilion with outdoor sitting space
 - Estimated Completion September 2023

Description of need and impact of COVID-19 - Access to outdoor spaces benefits mental health and well-being by offering seniors a way to socialize while socially distancing and connecting with nature. In addition, access to an outdoor space such as a garden or sitting meditation space seems to decrease the symptoms of depression and overall increase a positive mood. As a result, the City of Madison Heights has focused on improving parks and including elements that would allow vulnerable sectors of the population, such as seniors, a safe outdoor maintained environment.

The existing Active Adult Center features a significant amount of outdoor space unavailable at the new site. To address this, a garden sitting space and pavilion would be added to the Active Adult Center. This space has already been designed and bid on as part of our civic center plaza project. However, it was removed from the original project due to budget constraints. This grant funding will allow us to add this outdoor sitting area back to the project providing a public seating area that can be used for various activities such as meditation, social distancing, or a safe, calming space. This request also includes a separate pavilion on the opposite side of the Active Adult Center.

Long-term Benefit – As state and local officials warned that residents, especially seniors, stay home amid the COVID-19 pandemic, with one caveat – enjoy the outdoors with social distancing. This garden and pavilion will be a permanent addition to the senior building project and will provide much-needed green

space for the people who live and visit Madison Heights. These features will be maintained by DPS staff and Senior volunteers for many years to come. As described above, this garden space will allow an outdoor area for seniors to socialize, connect with nature, meditate or participate in senior programming.

- **Six (6) Computers and three (3) iPad and technology training**
 - Grant Funding Requested \$8,610
 - Estimated Completion August 2023

Description of need and impact of COVID-19 - During the strictest lockdown period of COVID, our residents, including seniors, main avenue for connecting with loved ones and doctors, placing grocery orders, or assessing much-needed assistance through technology. However, without adequate technology skills, many seniors were left without these much-needed resources. Therefore, teaching digital skills is crucial for seniors if they want to take advantage of all the resources offered and improve their quality of life. In the long run, improving seniors' ability to use digital resources has a positive impact on seniors. For example, in the area of healthcare – during the pandemic or even future flu outbreaks, seniors with technology skills could access their doctor through a virtual meeting, avoiding having to travel to the doctor and possibly expose themselves to ill patients. In addition, multiple resources such as transportation and food delivery are available only if the senior knows how to access the technology.

Therefore, offering computer classes and having devices that can be loaned to seniors is vital. This grant application includes six computers for a computer classroom and three iPads for training and loans. The total cost included 3 iPad @ \$450 each plus accessories and six (6) computers. This would also require someone to run network drops and extensions of the Wi-Fi.

Long-term Benefit- In a world that becomes more dependent on technology daily, it is critical that the senior community is taught skills to utilize computers, smartphones and tablets for themselves. Digitisation is in all aspects of our lives, from banking, grocery pick-up/delivery, medical records, and even socialization with family and friends. It is critical that seniors learn technology skills that will enable them long-term to handle daily needs, entertain themselves, access public services, and bond with others.

- **The Toilet Features auto hand wash and flush**
 - Grant Funding Requested \$6,000
 - Estimated Completion August 2023

Description of need and impact of COVID-19 - Wash your hands is the number one message when seeking to protect yourself from infectious illnesses such as COVID and flu. However, the benefits are diminished if you touch contaminated surfaces in the washroom after washing your hands. Therefore we request to add auto flushing toilets, hand-free water, and towel dispensers to the Senior Center washrooms. Surfaces such as toilets, sinks, faucets and flushing handles, door handles, stall doors, and paper towel dispensers can pick up bacterium from users' hands, passing it along to the following user. In addition, creating a touchless environment will increase active adult center users' level of staff comfort concerning the washroom, in many cases allowing them to use the facilities without touching even one surface from the

time they enter the bathroom to when they exit. These include auto-on and auto-off faucets; automatic, self-flushing toilets and urinals; auto-on and auto-off soap dispensers; automatic paper towel dispensers.

Long-term Benefit – Once installed these bathroom features will be maintained and provide long-term benefit to anyone utilizing the Senior Center bathrooms for years to come.

- **Bollard entrance blockades to protect curbside services**

- Grant Funding Requeusted \$4,000
- Estimated Completion time September 2023

Description of need and impact of COVID-19 - During an outbreak, curbside services for vital things such as food is necessary. To protect the workers providing this service and users of the Active Adult Center building, we are requesting grant funding to install bollards at the entrance of the Active Adult Center. This will allow seniors to drive up to the doors safely to pick up things such as prepared meals, loaned laptops and iPads, books, and other information and materials available to seniors. In addition, these bollards will provide a barrier against vehicles that may not be secured well during pick-up and drop-offs. The new Active Adult Center site also considerably more traffic than the existing center, allowing us to be accessible to more users but also making these physical separation measures all the more important.

Long-term Benefit – These bollards will provide a more secure environment to the entrance of the Senior Center for numerous years to come. The life expanctancy of these ballards is 20+ years.

- **Rooftop HVAC unit \$110,000**

- Grant Funding Requested 50% \$55,000 (50% provided through matching funds)
- Estimated Completion July 2023

Description of need and impact of COVID-19 - Improving indoor air quality is a pressing concern brought to the forefront with the COVID outbreak. After all, the main reason that the U.S. economy took a severe hit in 2020 was that the virus made it dangerous to gather in offices, restaurants, and other interior spaces. Viruses often spread through aerosols, particles, and other airborne droplets and can be breathed in by a healthy individual. Even before COVID, viruses such as the common cold and flu could run rampant through workplaces as the microbes wafted from cubicle to cubicle. Therefore we request grant assistance for installing a new rooftop HVAC unit for the Active Adult Center. This unit will be able to provide and temper outside air, providing the appropriate amount of indoor air changes and demand-controlled ventilation as required by code.

Long-term Benefit – This upgrades HVAC unit will service the Active Adult Center for years to come providing cleaner air to senior center users. With a life expectancy of 15+ years, this new equipment will enhance the center over reusing our existing unit that is near the end of life, is not energy efficient, and does not have the latest technology for air filtration.

- **Audiovisual workout rooms, cooking room, dining room**

- Grant Funding Requested \$15,000
- Estimated Completion August 2023

Description of need and impact of COVID-19 - We are enhancing our programming rooms for the Active Adult Center, making them larger to allow social distancing, and providing more single-purpose spaces for a better-controlled occupant load. In addition, we are requesting grant funding to add audiovisual equipment to each room to enable us to offer training on computer/technology usage, cooking classes, and presentations in the main dining room. Because of the insufficient audiovisual resources currently available smaller groups attend classes. This will allow us to host more users in the community.

Long-term benefits – audiovisual technology is necessary for holding classes in these new rooms. Many seniors are hard of hearing or need help following along with classes. This addition of audiovisual equipment in the programming rooms will enhance these classes.

- **Exercise Equipment \$12,390**

- Grant Funding Requested \$12,390
- Estimated Completion August 2023

Description of need and impact of COVID-19 - Obesity is a leading health crisis in America, leading to numerous health conditions that make individuals vulnerable during a pandemic. It is a leading comorbidity resulting in complications of a COVID infection. Therefore we are requesting exercise equipment for the Senior Center to promote physical activities, healthy, active lifestyle, and decreased obesity rates to help our senior population live a better quality of life and reduce the deaths due to illnesses such as COVID or flu. Specifically, we are requesting one (1) Elliptical Machine \$3,500 one (1) Recumbent Bike \$2,250, group hand weights (\$3,500) with storage rack (\$115), and 25 yoga/floor mats (\$750), blocks (\$425), straps (\$200), bolster (\$1,150) and blankets (\$500).

Long-term benefits – Providing exercise equipment and classes to our seniors will provide them the opportunity to become more physically fit and better to handle illness and the aging process. This equipment will be maintained by Senrio center staff and, with proper care and maintenance, should last 5+ years.

Municipal Matching

- **Food Service Equipment \$116,000**

- Matching Funding \$116,000
- Estimated Completion August 2023

A healthy diet and access to nutritious meals are a foundation for maintaining an active lifestyle into older age. Unfortunately, for the senior community, access to nutritious food isn't always available for various

reasons, such as the inability to safely prepare food, financial resources, or nutritional knowledge. Therefore, the Active Adult Center is looking to include updated senior food service equipment in our current Active Adult Center rebuilding project. This will enable meals to be prepared onsite, providing pick-up meals and serving the senior community better. One example is during the holidays; senior center staff recently volunteered to provide food and feed 75 seniors in the community. This idea was extremely well received and provided a high level of benefit to the senior population in the City. To continue such a program in the future, this task will require functioning food service equipment and an area allowing the food to be prepared on-site in the new building.

- **Rooftop HVAC unit \$110,000**

- Matching Funding 50% \$55,000 (50% requested in grant funding)
- Estimated Completion July 2023

Improving indoor air quality is a pressing concern brought to the forefront with the COVID outbreak. After all, the main reason that the U.S. economy took a severe hit in 2020 was that the virus made it dangerous to gather in offices, restaurants, and other interior spaces. Viruses often spread through aerosols, particles, and other airborne droplets and can be breathed in by a healthy individual. Even before COVID, viruses such as the common cold and flu could run rampant through workplaces as the microbes wafted from cubicle to cubicle. Therefore we request grant assistance for installing a new rooftop HVAC unit for the Active Adult Center. This unit will be able to provide and temper outside air, providing the appropriate amount of indoor air changes and demand-controlled ventilation as required by code.

- **Announcement sign on 13-mile replacement**

- Matching Funding \$80,000
- Estimated Completion November 2023

Effective messaging is critical during an outbreak such as the COVID pandemic or an other emergency. This is especially true for our senior community, which does not always have access to technology or skills to find reliable information online. Therefore, we request funding to install a modern message board at our Active Adult Center along 13 Mile Road. This will allow us to disseminate messages quickly to senior center users regarding emergencies, resources, and programming.

EXHIBIT B

EXHIBIT B

Maximum Grant Award	Local Match
\$250,000.00	\$250,000.00

The City Council of the City of Madison Heights, Michigan acknowledges that the costs of the Senior Center project will be split evenly between the grant award and city funds. The City Council of the City of Madison Heights, Michigan, further acknowledges that the grant award will equal the local match up to \$250,000.00 and that the grant award will not exceed said amount. Details of included expenditures are listed in EXHIBIT A.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 02/13/23

PREPARED BY: Vanessa Verdun-Morris

AGENDA ITEM CONTENT: Amendment for Parks/Facility Naming Criteria

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: \$0

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

The Madison Heights Historical Commission made a recommendation at their January 11, 2023 meeting that Council remove the criteria that a person be deceased more than two (2) years, and move forward with naming the Library Teen Room for Robert Corbett, new pickleball courts at Ambassador Park for Robert Gettings, and Ambassador Park itself for Gary McGillivray.

At the January Library Advisory Board meeting they discussed recommending naming the Library Children's Room for Robert Corbett instead of the Teen "Room" as there is no Room only a Teen designated space.

RECOMMENDATION:

If City Council accepts the recommendation of the Historical Commission two motions should be made:

1. Amend the Parks/Facility Naming Policy criteria to remove the two (2) provision "A person, deceased more than two (2) years, who provided an exceptional service in the interest of the park system as a whole or for the community as a whole.
2. Motion to name the Library Teen Space (or Children's Room) for Robert J. Corbett, new pickleball courts at Ambassador Park for Robert B. Gettings, and rename Ambassador for Gary R. McGillivray.

Historical Commission Meeting
Madison Heights, Michigan
January 11, 2023

A Historical Commission Meeting was held on Wednesday, January 11, 2023 at 6:30 PM at City Hall - Heritage Rooms, 300 W. 13 Mile Rd.

CALL TO ORDER

at 6:38 pm by Chair Graettinger.

ROLL CALL

PRESENT

Jennifer Ballantine
Rebecca Chambliss
Tayna Graettinger
Martha Kehoe
William Mier
Margene Scott
Cheryl Suiter
Kevin Wright
Council Representative Mark Bliss
Ex-Officio Council Alternate Sean Fleming
Ex-Officio Staff Liaison Vanessa Verdun-Morris

ABSENT

Nicholas Cobb
Deliza Lee
Lila Richards
Justin Suarez

EXCUSED

Patricia Ross

ADDITIONS/DELETIONS

Motion to excuse Ross.

Motion made by Scott, Seconded by Chambliss. Unanimously approved.

Add attendance policy as #9.

APPROVAL OF MINUTES

1. Approve minutes from October 12, 2022.

Approved with correction of spelling for Jennifer Ballantine's last name.

Motion by Scott, Seconded by Ballantine. Unanimously approved.

MEETING OPEN TO THE PUBLIC

REPORTS

2. Naming Committee - Chair Bliss, Graettinger, Lee
Did not meet.
3. Experiencing Madison Heights Committee - Chair Ballentine, Wright, Scott, Mier
Did not meet.
4. Digitizing Madison Heights Committee - Chair Fleming, Bliss, Graettinger, Suiter
Did not meet.

UNFINISHED BUSINESS

5. Historical Commission Work Plan 2023
Bliss reported work plan approved by Council.
Motion to appoint Martha and Rebecca to the Experiencing Madison Heights committee.
Motion made by Wright, Seconded by Graettinger. Unanimously approved.
6. Heritage Rooms Volunteer Schedule
Discussion on how to reassemble the rooms and keeping the same hours, plus possible addition of Saturday hours in future. Verdun-Morris will check on keys and who should have them.
Motion to send a letter requesting a response to commissioners who haven't been here for three meetings.
Motion made by Kehoe, Seconded by Scott. Unanimously approved.

NEW BUSINESS

7. Identification Badges – Informational Item Only
Margene suggested shirts be made for new commission members by Mr. Daniels who lives in Madison Heights but has a shop in Hazel Park. Margene will volunteer to connect with him.
8. Review Park/Facility Naming Policy
Motion to recommend that council remove the criteria that a person be deceased more than 2 years, and name the Library Teen Room for Bob Corbett, Pickleball Courts for Bob Gettings, Ambassador Park for Gary McGillivray.

Motion made by Scott, Seconded by Kehoe. Unanimously approved.

9. Attendance Policy

No further discussion due to previous motion to send response letters.

10. Barbara Gerald's Proclamation

Write requested further addition to agenda.

Motion to create a Proclamation honoring Barbara Gerald's.

Motion made by Wright, Seconded by Chambliss. Unanimously approved.

ADJOURNMENT

Adjourned at 7:56 pm.

Motion made by Mier, Seconded by Kehoe.

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.

PARK/FACILITY NAMING POLICY

Adopted by City Council: July 26, 2021

Purpose: The purpose of this policy is to establish a set of standard procedures and guidelines for the naming and renaming of parks, recreational areas and facilities owned and/or operated by the City of Madison Heights. This policy will guide name recognition and establish its uniform application. It is realized that responsibility for naming city parks, recreational areas and facilities lies with the City Council.

The City Council rely on input and recommendations by a City Boards, City Staff, City Councilmembers for the naming city parks, recreational areas, fields, and facilities.

Policy Objectives:

- Assure the quality of the title/name, so that it will serve the purpose of the city in a permanent manner.
- Encourage public participation, careful review, and input in order to fully represent the best interest of the area affected.
- Encourage and recognize the dedication of lands, or donations by individuals or groups.

Criteria for areas that Qualify for Naming:

- An outstanding feature of the area. (example: park, building, green space, pavilion)
- Commonly recognized subjects of historical significance such as: event, group, culture or place.
- A person or group who significantly contributed to the acquisition or development of the park/facility.
- A person, deceased more than two (2) years, who provided an exceptional service in the interest of the park system as a whole or for the community as a whole.
- A person, living that has contributed extraordinary service or no less than ten years to the services of the City.
- Naming may be considered based on the provision of significant funding (more than 50% total project cost) that underwrites the cost of renovation or construction of city property. Financial underwriting shall be broadly defined as substantial monetary contributions that completely or significantly enable city projects such as parks, buildings or property acquisition to occur. This may include monetary gifts and/or grants that leverage federal, state and local funding for such projects or complete donation of land. In the event that a significant amount of money is donated, the character of the deceased will be investigated as appropriate.
- Parks and facilities that are donated to the city can be named by deed restriction by the donor. The naming and acceptance of land is subject to approval by the City Council.

- Naming may not conflict with public grant funding policies established by state and/or federal grant funding programs.

Exclusions:

- Cumbersome, corrupted or modified names, profane, discriminatory or derogatory names related to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation or other similar categories.
- Names that cause confusion due to duplication or that sound too similar to existing named locations within the City or surrounding areas.
- Names of companies whose business is substantially derived from the sale of alcohol, tobacco, marijuana, firearms, pornography, and/or other practices considered unsuitable or inappropriate.
- Names of appointed or elected officials currently in office or current City employees. The reuse of former facility names other than for a reconstruction of the same facility in the same location.
- Names that would result in the overt commercialization of City facility.
- The dedication of small park amenities with an identifiable lifespan and not intended to be permanent such as fixed park benches and tables can be dedicated to but not named.

Renaming:

The intent of naming is for permanent recognition. The renaming of parks and facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most crucial examination so as not to diminish the original justification for the name or discount the value of the prior contributors. Parks named for subjects, other than individuals, may be changed in name only if the current name is ineffectual or inappropriate.

Procedure:

- Staff, City Boards, city residents, community leaders and organizations interested in proposing a name for a park, recreational area, or facility must submit written recommendations, petitions, etc. for presentation to the City Manager for consideration by the City Council.
 - Recommendations need describe in detail why the candidate merits such recognition. All such recommendations shall be submitted no later than November of each year for Council consideration during upcoming council workshops (typically in March).
 - Preferred practice it so approve or consider no more than one naming a year with other recommendations deferred for future consideration.
- When naming after a person or persons, written documentation of approval by next of kin to be honored (if available/possible) is required as part of the proposal.

- The City Manager shall forward naming recommendations to the City Council with all provided backup and justification.
- The City Council shall allow for public input and comment at a public hearing prior to taking formal action on the recommendation.
- The City Council will confirm park, recreation areas and facility names by resolution.
- The City Council has final approval and may reject any naming or renaming request.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 02/13/23

PREPARED BY: Melissa R. Marsh, City Manager

AGENDA ITEM CONTENT: Charter Amendment Study Group Appointments

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: \$0

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

See attached report with member applications.

RECOMMENDATION:

It is recommended that City Council appoint five (5) members to the 2023 Charter Amendment Study Group.

To: Honorable Mayor and City Council

From: Melissa Marsh, City Manager

Date: February 7, 2023

Subject: Charter Amendment Study Group

At the Regular City Council meeting on November 28, 2022, City Council adopted a resolution forming the Charter Amendment Study Group ("Study Group"). The resolution stated that the Study Group should carefully consider, accurately draft, and propose options for Charter amendments referred to by Council. The Study Group shall also submit its recommendations to Council for consideration and appropriate action.

Following this meeting, staff created, published, and promoted the application to be a member of the Study Group, which has seven applicants listed alphabetically below with applications attached:

Martha Covert
Steve Dombroski
Charles Kemp
Anthony Klepacki
Briana Mignacca
Margene Scott
Kevin Wright

On February 27, City Council is scheduled to have a Council workshop before the Regular City Council to discuss Charter issues to be referred to the Study Group. Ahead of this meeting, the staff requests City Council appoint the five (5) Charter Amendment Study Group members.

Annette Boucher

From: noreply@civicplus.com
Sent: Monday, January 23, 2023 10:06 AM
To: Clerks; Amy Mischak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

See attached.

Do you currently serve on any other Boards/Commissions?

Yes

Which one(s)?

Historical Commission

Last Name

Scott

First Name

Margene Ann

Street Address

Email Address

Home Phone #

Business/Cell Phone #

Employer

Retired

Occupation

City Council

Educational Background 1963 - Gross Pointe High School South, Associates in Liberal Arts - Oakland Community College, Bachelors in Communications - Oakland University

Community Activities and / or Work Experience See attached.

Have you ever been arrested and convicted of a misdemeanor or felony No

Electronic Signature Margene Ann Scott

Date 01-23-23

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance. I agree

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race White

Gender Female

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I

hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name Scott

First Name Margene Ann

Date of Birth

Electronic Signature Margene Ann Scott

Date 01-23-23

I understand that checking
this box constitutes a legal
signature confirming that I
acknowledge and agree to
the above Terms of
Acceptance. I agree

Email not displaying correctly? [View it in your browser.](#)

Margene Scott

From: Margene Scott
Sent: Monday, January 23, 2023 1:13 PM
To: clerks@madison-heights.org
Cc: melissaMarsh@Madison-Heights.org;
Subject: Application for Charter Amendment Committee

Please attach the following information to my application for a seat on the Charter Amendment Committee.

Educational background:

Honor Roll graduate of Grosse Pointe High School South in 1963—Graduated on the Honor Roll

Graduate of Oakland Community College with Associates Degree in Liberal Arts Non-Science—Summa Cum Laude

Graduate of Oakland University in 1990 with B. A. in Communications—Summa Cum Laude

Graduate of all three levels of government from the Michigan Municipal League Elected Officials Academy (encompassing

Over 90 hours of training in government)

Graduate of Bronze, Silver and Gold Level of the Leadership Training Institute in the National League of Cities

Training in Real Estate to earn license in Real Estate

Earned status of Graduate of Realtors Institute

Training toward Certified Residential Specialist in real estate

Attendance and training at numerous seminars and governmental topics in SEMCOG (South East Michigan Council of Government)

Reason to serve on the Board and your relevant experience:

I am a 51 year resident of Madison Heights and served for 26 years as a City Councilwoman and 2 years of service as Mayor Pro Tem.

I raised my children and grandchildren here and have dedicated 48 years of service to our community.

I have owned property in Madison Heights since 1971 (first on Manor Dr for 27 years, then on Castlewood Dr since 1996 until the present)

I also have long time experience as a landlord, owning rental properties in Grosse Pointe Park and Ferndale, MI

I have also served on several by-law committees and have been a part of forming organizations and setting governing rules of their groups

I have encouraged and promoted history of our area and our city which will benefit my knowledge of the charter and its effect on our citizens

During my tenure as President of the Michigan Municipal League, I visited the officials and toured 200 cities , towns and villages in Michigan

Which gives me knowledge of how their governments functions and adjusts to their varying needs in each municipality.

I attended Madison Heights City Council meetings for 12 years before being elected to office to become familiar with the workings of our city.

I participated in numerous elections committees of many candidates on the city, county and state level as well as my own campaigns for office.

I served on the City Board of Review for over two years before being elected to office.

Last but not least, I recognize the responsibility of being a citizen and homeowner and have paid my utilities and taxes and have no debts to the city.

Community Activities and / or work experience:

Membership and service since 1975 in the Madison Heights Junior Women's Club, the Madison Heights Intermediate Women's Club and currently a

charter and honorary member of the Madison Heights Women's Club, G. F. W. C.

Council Representative for the Michigan Municipal League

Service on the Michigan Municipal League Board of Trustees for 4 years

Election and service as State President on the Michigan Municipal League in 2004-2005

Awarded Honorary Lifetime Member in 2010 of the MML

Service on the MML Liability and Property Pool

By-law revision committee and hiring of new Executive Director of the MML

Council Representative and regional officer for SEMCOG, member of their Executive Board for several years

Madison Heights Rotary Club—served as President, Vice President, Secretary and newsletter editor

First woman member of the Rotary District #6380 Government Staff

Sponsorship of Lamphere High School exchange student from Brazil in the Rotary Youth Exchange

Awarded Paul Harris fellowship in the Madison Heights Rotary

Madison Heights Community Round Table—one of the original founding members in 1984, serving as Chairman, Vice Chairman, Director

Awarded Community Round Table Outstanding Community Service for Madison Heights in 1995 and Honorary Lifetime Member

Council Representative and long-time member of Madison Heights Youth Assistance

Council Representative and member of the Madison Heights Family Coalition

Former Executive Director of the Madison Heights Chamber of Commerce from 1987 to 1990 and newsletter editor

Co-founder of the Madison Heights Historical Commission in 1984

Developer of the Madison Heights Heritage Rooms Museum and volunteer in the rooms for many years

Along with my husband Jack Scott, the rooms were renamed the “Margene and Jack Scott Heritage Rooms Museum” in 2019

Co-founder of the Kendall School Foundation which attempted to save the historical Kendall School as a one-room schoolhouse

Served as chairperson and fundraiser and coauthor of the application for the 501c3 status to the State of Michigan for the Kendall School Foundation

Volunteer for the newly built Madison Heights Nature Center with 750 hours of service

Graduate of the first course of the Madison Heights Citizen’s Academy offered by the City of Madison Heights

Long-time photographer and reporter for the "Madison Heights Community Reporter" newspaper and the "Madison News" newspaper

Photographer of over 100,000 photos for Madison Heights events and organizations and volunteers

Member of the Madison Heights Parade Committee and long-time narrator of the parade for Cable TV

Girl Scout leader and Cub Scout leader for my daughter and son as well as my two grandsons in Madison Heights Simonds and Lessenger Schools

Council Representative for the Madison Heights Adult Active Center and a frequent visitor there

Co-founder and developer of the Madison Heights "Random Acts of Kindness Week" that still exists after 28 years

Please review my credentials and desire to serve on this new committee of the Charter Amendment Committee for the City of Madison Heights.

Thank you for your attention and consideration.

Margene Ann Scott

Margene Ann Scott

1850 Castlewood Dr.

Madison Heights, MI 4871

(

"Make Kindness the Norm"

Cheryl Rottmann

From: noreply@civicplus.com
Sent: Friday, December 2, 2022 4:13 PM
To: Clerks; Amy Mischak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I would like to increase how much involvement that I have in my community. I believe that it is good to have a wide range of diversity in the outcomes of our City and part of that is age diversity. I believe that I can bring in a unique point of view for my age and background.

Do you currently serve on any other Boards/Commissions?

Yes

Which one(s)?

Environmental Citizen Committee

Last Name

Klepacki

First Name

Anthony

Street Address

Email Address

Home Phone #

Business/Cell Phone #

Employer

Ford

Occupation

Software Engineer

Educational Background

Aerospace Engineer

Community Activities and / or Work Experience	Aerospace and automotive engineer for 7 years. Volunteer at collegiate engineering competition for 4 years. Tutor to K12 students for STEM.
--------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------

Have you ever been arrested and convicted of a misdemeanor or felony	No
----------------------------------------------------------------------------	----

Electronic Signature	Anthony Klepacki
----------------------	------------------

Date	12/02/2022
------	------------

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree
------------------------------------------------------------------------------------------------------------------------------------------------------------	---------

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race	White
------	-------

Gender	Male
--------	------

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from

liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name	Klepacki
-----------	----------

First Name	Anthony
------------	---------

Date of Birth	
---------------	--

Electronic Signature	Anthony Klepacki
----------------------	------------------

Date	12/02/2022
------	------------

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree
---------------------------------------------------------------------------------------------------------------------------------------------	---------

Email not displaying correctly? [View it in your browser.](#)

Cheryl Rottmann

From: noreply@civicplus.com
Sent: Thursday, January 12, 2023 2:20 PM
To: Clerks; Amy Misczak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I wish to give back to my community in an administrative capacity. I was a financial supervisor and analyst at GM, and am now retired.

Do you currently serve on any other Boards/Commissions?

No

Last Name

Kemp

First Name

Charles

Street Address

Email Address

Home Phone #

Business/Cell Phone #

Employer

Retired

Occupation

Retired

Educational Background

BSBA and. MBA

Community Activities and / or Work Experience

34 years at GM in various finance jobs including financial, analyst and financial supervisor.

Have you ever been
arrested and convicted of a
misdemeanor or felony

No

Electronic Signature

Charles Kemp

Date

1/12/2023

I understand that checking
this box constitutes a legal
signature confirming that I
acknowledge and agree to
the above Terms of
Acceptance.

I agree

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race

White

Gender

Male

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name

Kemp

First Name Charles

Date of Birth

Electronic Signature Charles Kemp

Date 1/12/2023

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance. I agree

Email not displaying correctly? [View it in your browser.](#)

Cheryl Rottmann

From: noreply@civicplus.com
Sent: Tuesday, January 10, 2023 1:08 AM
To: Clerks; Amy Mischak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I am retired from the court system, and have knowledge of legal terms and importance of their usage

Do you currently serve on any other Boards/Commissions?

Yes

Which one(s)?

Crime Commission

Last Name

Covert

First Name

Martha

Street Address

Email Address

Home Phone #

Business/Cell Phone #

Employer

Retired

Occupation

Retired

Educational Background

High school

Community Activities and / or Work Experience	Woman's Club/Crime Commission. I was Judge's clerk for 27 years
--------------------------------------------------	-----------------------------------------------------------------

Have you ever been arrested and convicted of a misdemeanor or felony	No
----------------------------------------------------------------------------	----

Electronic Signature	Martha Covert
----------------------	---------------

Date	January 10, 2023
------	------------------

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree
------------------------------------------------------------------------------------------------------------------------------------------------------------	---------

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race	White
------	-------

Gender	Female
--------	--------

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name	Covert
First Name	Martha
Date of Birth	
Electronic Signature	Martha Covert
Date	01/10/2023
I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree

Email not displaying correctly? [View it in your browser.](#)

Cheryl Rottmann

From: noreply@civicplus.com
Sent: Friday, January 13, 2023 3:52 PM
To: Clerks; Amy Misczak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I would like to serve on this committee to help revise and update our city's Charter. As a longtime resident, I feel my experiences living in our city will be beneficial to this committee.

Do you currently serve on any other Boards/Commissions?

Yes

Which one(s)?

Elected Officials Compensation Committee, Historical Commission

Last Name

Wright

First Name

Kevin

Street Address

Email Address

Home Phone #

-

Business/Cell Phone #

Employer

DMK Marketing Group

Occupation

Graphic Designer/Writer

Educational Background

Bachelor of Arts degree in Journalism, Oakland University, 1985

**Community Activities and /
or Work Experience**

- Co-Founder, Madison Heights Citizens United (MHCU), a 401(c)(3) non-profit
- President, Board of Directors, Madison Heights Citizens United
- Member-at-Large, City of Madison Heights Historical Commission
- Member-at-Large, City of Madison Heights Elected Officials Compensation Committee
- Board of Directors, Madison Heights Food Pantry
- Former alternate member, City of Madison Heights Human Relations and Equity Commission (HREC)
- One of the founders of the Madison Heights Juneteenth Celebration
- Organizer of two peaceful protests for racial equality in Madison Heights, May/June 2020
- Former Madison Heights youth baseball coach
- Special education para-educator, Lamphere Schools
- Graduate, Lamphere High School, 1981
- Small business owner, 36 years

Have you ever been
arrested and convicted of a
misdemeanor or felony

No

Electronic Signature

Kevin Wright

Date

1-13-23

I understand that checking
this box constitutes a legal
signature confirming that I
acknowledge and agree to
the above Terms of
Acceptance.

I agree

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

**CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND
COMMISSIONS Background Check Authorization and Waiver**

Race

White

Gender

Male

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a

Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name Wright

First Name Kevin

Date of Birth

Electronic Signature Kevin Wright

Date 1-13-23

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance. I agree

Email not displaying correctly? [View it in your browser.](#)

Cheryl Rottmann

From: noreply@civicplus.com
Sent: Monday, December 12, 2022 7:25 PM
To: Clerks; Amy Mischak
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I would like to be of service in the community where I live. I have a BA in Political Science and a Paralegal Certificate. I have always found the structure of government bodies and their processes interesting.

Do you currently serve on any other Boards/Commissions?

No

Last Name

Mignacca

First Name

Briana

Street Address

Email Address

Home Phone #

Business/Cell Phone #

Employer

Envision Healthcare/Amsurg

Occupation

Health Insurance Verification Specialis

Educational Background

BA in Political Science, Master's Degree in Library Science, and Paralegal Certificate

Community Activities and / or Work Experience

Election Inspector in Troy, MI
Volunteer at place of worship

Customer Service Agent for 10 years
Billing Assistant for 2 and a half years

Have you ever been
arrested and convicted of a
misdemeanor or felony

No

Electronic Signature

Briana J Mignacca

Date

12/12/2022

I understand that checking
this box constitutes a legal
signature confirming that I
acknowledge and agree to
the above Terms of
Acceptance.

I agree

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race

White

Gender

Female

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name	Mignacca
First Name	Briana
Date of Birth	
Electronic Signature	Briana J Mignacca
Date	12/12/2022
I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree

Email not displaying correctly? [View it in your browser.](#)

Adam Owczarzak

From: Annette Boucher
Sent: Wednesday, February 1, 2023 8:28 AM
To: Adam Owczarzak
Subject: FW: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

FYI

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, February 1, 2023 12:27 AM
To: Clerks <clerks@madison-heights.org>; Amy Misczak <amymisczak@madison-heights.org>
Subject: Online Form Submittal: City of Madison Heights Application for Boards and/ or Commissions

City of Madison Heights Application for Boards and/ or Commissions

Step 1

Indicate the board you wish to apply for with an "x" in the box provided (Please use one application per board)

Charter Amendment Committee

Indicate below why you wish to serve on this Board/Commission and your relevant experience:

I've participated in a number of different initiatives that have positively impacted the community. I've been a member of the Madison Heights Arts Board since 2018, I've helped to cultivate such events as Trail Tunes, the Pumpkin Walk, and the Interactive Mural Displays throughout the city.

Through all of this, I've learned that I can be a difference maker in the community. Most recently, I've been promoted to the position of Chairman of the Arts Board, and have embarked on the journey to help build an amphitheater in Civic Center Park for all performing arts in Madison Heights

I have a strong drive to enrich our community, and I look forward to helping in this capacity to help shape the city's charter.

Do you currently serve on any other Boards/Commissions?

Yes

Which one(s)?

Chairman of the Arts Board

Last Name	Dombroski
First Name	Steve
Street Address	2200 Franklin Ave., Madison, WI 53706
Email Address	steve.dombroski@gmail.com
Home Phone #	
Business/Cell Phone #	
Employer	Ascent Cloud
Occupation	Account Manager
Educational Background	Associates with some Bachelors
Community Activities and / or Work Experience	Trail Tunes 2020-2022, Chairman of the Arts Board, Volunteer for the Pumpkin Walk.
Have you ever been arrested and convicted of a misdemeanor or felony	No
Electronic Signature	Steven Dombroski
Date	01/31/2023
I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.	I agree

Thank you for your interest in serving on an Advisory Board or a Commission. This application will be kept on file for ONE YEAR. All information in this application is public information and subject to disclosure in response to public records request made pursuant to the Freedom of Information Act.

Background Check

CITY OF MADISON HEIGHTS APPLICATION FOR BOARDS AND COMMISSIONS Background Check Authorization and Waiver

Race	White
Gender	Male

*These items are required to enable the City of Madison Heights to conduct accurate background checks at any time while applying for or while serving on a

Board and/or a Commission. The City of Madison Heights fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people, without being subjected or exposed to harassment or discrimination of any kind, including age, national origin, sex, race, religious affiliation, color, height, weight, or marital status.

I herewith release, defend and hold harmless the City of Madison Heights from any and all claims by myself which may arise from performance of the duties for which I am volunteering. I understand that the City of Madison Heights will indemnify me from any and all claims arising from the performance of the duties for which I am volunteering as long as I am following the rules, regulations, and policies of the department and the City.

I authorize the City of Madison Heights to investigate my background as determined necessary for the particular activity for which I am volunteering. I hereby release and discharge the City of Madison Heights, the Oakland County Sheriff's Department, and/or the Michigan State Police and their agents from liability for any damage of whatever kind or nature, except for willful or intentional acts, that may result from release of this information to the City of Madison Heights.

Last Name Dombroski

First Name Steve

Date of Birth

Electronic Signature Steven Dombroski

Date 01/31/2023

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance. I agree

Email not displaying correctly? [View it in your browser.](#)



AGENDA ITEM SUMMARY FORM

MEETING DATE: 2/13

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

AGENDA ITEM CONTENT: DPS - 2023 Water Main Pipe and Parts Bid Award

AGENDA ITEM SECTION: Bid Awards/Purchases

BUDGETED AMOUNT: \$522,000

FUNDS REQUESTED: \$266,272.54

FUND: 592-901-973-1000

EXECUTIVE SUMMARY:

In anticipation of the upcoming 2023 proposed water main replacement projects, DPS Staff and Purchasing prepared and posted Invitation to Bid (ITB) #MH-1064 "2023 Water Main Replacement Pipe and Parts" on the MITN online cooperative bidding system (www.mitn.info). On February 6, 2023, the City received three sealed bids for the above referenced project by the 11:00 am deadline. The bids were opened and tabulated, and at the completion of the bid analysis, including verification of pricing, product bid, and unit pricing for all items, Core & Main submitted the lowest complete qualifying bid for a total estimated project amount of \$266,272.54 (please see the attached bid tab).

RECOMMENDATION:

Staff recommends that Council award the bid for the 2023 water main replacement pipe and parts to the lowest responsible bidder who bid on all items listed, Core & Main, of Shelby Township, Michigan, for the unit prices specified. This represents a total estimated project cost of \$266,272.54, and funds are budgeted and available for this purchase. Staff also requests that the Council motion include extending this bid to the upcoming proposed stand-alone water main projects at the unit prices identified, subject to FY 2023-24 Budget approval.

MEMORANDUM

Item 10.

DATE: February 7, 2023

TO: Melissa R. Marsh, City Manager

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

SUBJECT: Bid Award – 2023 Water Main Replacement Pipe and Parts

In anticipation of the upcoming 2023 proposed water main replacement projects, DPS Staff and Purchasing prepared and posted Invitation to Bid (ITB) #MH-1064 “2023 Water Main Replacement Pipe and Parts” on the MITN online cooperative bidding system (www.mitn.info). On February 6, 2023, the City received three sealed bids for the above referenced project by the 11:00 am deadline. The bids were opened and tabulated, and at the completion of the bid analysis, including verification of pricing, product bid, and unit pricing for all items, Core & Main submitted the lowest complete qualifying bid for a total estimated project amount of \$266,272.54 (please see the attached bid tab).

Core & Main, is our current supplier of water main repair parts, and have also been the low bid for many of our water main replacement projects over the years. DPS continues to have a positive long-standing business relationship with Core & Main, who have consistently provided responsive service, and offer a vast portfolio of high quality parts and materials. As with past bids, it remains in the City’s best interest to award a project bid to a sole bidder as opposed to splitting the bid, in order to streamline the ordering and inventory management process, and ensure timely project completion.

Staff recommends that Council award the bid for the 2023 water main replacement pipe and parts to the lowest responsible bidder who bid on all items listed, Core & Main, of Shelby Township, Michigan, for the unit prices specified. This represents a total estimated project cost of \$266,272.54, and funds are budgeted and available for this purchase. Staff also requests that the Council motion include extending this bid to the upcoming proposed stand-alone water main projects at the unit prices identified, subject to FY 2023-24 Budget approval.

Department of Public Services

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

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

TABULATION OF BIDS
2023 WATER MAIN PROJECTS - PIPE & PARTS

CITY OF MADISON HEIGHTS
DEPARTMENT OF PUBLIC SERVICES

				Lowest Bid - Incomplete		Second Lowest Bid		High Bid - Incomplete	
				Ferguson Waterworks 24425 Schoenherr Road Warren, MI, 48089		Core & Main 6575 23 Mile Road Shelby Twp., MI, 48316		Etna Supply 4901 Clay Avenue Grand Rapids, MI, 49548	
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	12" C900 DR14 PVC	-	FT	\$ 58.50	\$ -	\$ 58.66	\$ -	\$ -	\$ -
2	8" C900 DR14 PVC	4,600	FT	\$ 27.00	\$ 124,200.00	\$ 27.22	\$ 125,212.00	\$ 27.10	\$ 124,660.00
3	6" C900 DR14 PVC	160	FT	\$ 15.75	\$ 2,520.00	\$ 15.83	\$ 2,532.80	\$ 15.75	\$ 2,520.00
4	5 Gallon Pipe Lube	1	EA	\$ 64.40	\$ 64.40	\$ 76.35	\$ 76.35	\$ 50.00	\$ 50.00
5	12" Valve 8RW12 MJ VLV OR	-	EA	\$ 2,488.00	\$ -	\$ 2,346.68	\$ -	\$ -	\$ -
6	8" Valve 8RW12 MJ VLV OR	6	EA	\$ 1,260.00	\$ 7,560.00	\$ 1,189.34	\$ 7,136.04	\$ 1,330.00	\$ 7,980.00 *
7	6" Valve 8RW12 MJ VLV OR	7	EA	\$ 783.00	\$ 5,481.00	\$ 738.66	\$ 5,170.62	\$ 828.00	\$ 5,796.00
8	1040Z Frame 7"	6	EA	\$ 300.00	\$ 1,800.00	\$ 285.20	\$ 1,711.20 *	\$ 320.00	\$ 1,920.00
9	1040A Cover w/MH Water Logo	6	EA	\$ 214.00	\$ 1,284.00	\$ 204.28	\$ 1,225.68	\$ 229.00	\$ 1,374.00 *
10	60" Dia. x 8" Concrete Gate Well Base	9	EA	\$ -	\$ -	\$ 305.00	\$ 2,745.00	\$ -	\$ -
	48" Dia. x 3' Gate Well Bottom Section with (2)								
11	Doghouse Openings	6	EA	\$ -	\$ -	\$ 550.00	\$ 3,300.00	\$ -	\$ -
12	48" Dia. x 2' Eccentric Gate Well Cone	6	EA	\$ -	\$ -	\$ 280.00	\$ 1,680.00	\$ -	\$ -
13	48" Dia. x 1' Grooved Gate Well Flattop	6	EA	\$ -	\$ -	\$ 345.00	\$ 2,070.00	\$ -	\$ -
14	96 Brick MHC State of MI Spec Manhole	1	PALLET	\$ 402.00	\$ 402.00	\$ 312.00	\$ 312.00	\$ -	\$ -
15	96 Block 246 Manhole 24"x6"	1	PALLET	\$ 470.00	\$ 470.00	\$ 283.20	\$ 283.20 *	\$ -	\$ - *
16	94 pound Bag of Cement	1	PALLET	\$ 848.00	\$ 848.00	\$ 580.00	\$ 580.00	\$ -	\$ -
17	Bag of Mortar	1	PALLET	\$ 399.00	\$ 399.00	\$ 438.75	\$ 438.75	\$ 319.20	\$ 319.20
18	EJ Fire Hydrant - 5BR250 (4.5' DOB)	7	EA	\$ 3,126.00	\$ 21,882.00	\$ 3,011.87	\$ 21,083.09	\$ 3,375.00	\$ 23,625.00
19	D-Box Assembly (without lid)	7	EA	\$ 294.50	\$ 2,061.50	\$ 236.58	\$ 1,656.06	\$ 311.50	\$ 2,180.50
20	D-Box Lid * w/MH Water Logo	7	EA	\$ 34.25	\$ 239.75	\$ 18.00	\$ 126.00	\$ 36.50	\$ 255.50
21	24" D-Box Extension	-	EA	\$ 81.50	\$ -	\$ 75.43	\$ -	\$ -	\$ -
22	12" MJ Cap DI	-	EA	\$ 172.00	\$ -	\$ 165.00	\$ -	\$ -	\$ -
23	8" MJ Cap DI	12	EA	\$ 118.00	\$ 1,416.00	\$ 114.00	\$ 1,368.00	\$ 119.00	\$ 1,428.00
24	6" MJ Cap DI	-	EA	\$ 76.00	\$ -	\$ 73.00	\$ -	\$ -	\$ -
25	12" MJ Plug DI	-	EA	\$ 264.00	\$ -	\$ 253.00	\$ -	\$ -	\$ -
26	8" MJ Plug DI	18	EA	\$ 126.50	\$ 2,277.00	\$ 122.00	\$ 2,196.00	\$ 128.00	\$ 2,304.00
27	6" MJ Plug DI	-	EA	\$ 89.00	\$ -	\$ 86.00	\$ -	\$ -	\$ -
28	12" MJ 45 Bend DI	-	EA	\$ 430.00	\$ -	\$ 413.00	\$ -	\$ -	\$ -
29	8" MJ 45 Bend DI	12	EA	\$ 172.00	\$ 2,064.00	\$ 165.00	\$ 1,980.00	\$ 174.00	\$ 2,088.00
30	12" MJ 22.5 Bend DI	-	EA	\$ 365.00	\$ -	\$ 351.00	\$ -	\$ -	\$ -
31	8" MJ 22.5 Bend DI	7	EA	\$ 169.00	\$ 1,183.00	\$ 162.00	\$ 1,134.00	\$ 171.00	\$ 1,197.00
32	12" MJ 11.25 Bend DI	-	EA	\$ 364.00	\$ -	\$ 332.00	\$ -	\$ -	\$ -
33	8" MJ 11.25 Bend DI	3	EA	\$ 154.00	\$ 462.00	\$ 148.00	\$ 444.00	\$ 155.00	\$ 465.00
34	12"x12" MJ Tee DI	-	EA	\$ 695.00	\$ -	\$ 667.00	\$ -	\$ -	\$ -
35	12"x8" MJ Tee DI	-	EA	\$ 528.00	\$ -	\$ 507.00	\$ -	\$ -	\$ -
36	12"x6" MJ Tee DI	-	EA	\$ 500.00	\$ -	\$ 480.00	\$ -	\$ -	\$ -
37	8"x8" MJ Tee DI	6	EA	\$ 316.00	\$ 1,896.00	\$ 303.00	\$ 1,818.00	\$ 319.00	\$ 1,914.00
38	8"x6" MJ Tee DI	7	EA	\$ 266.00	\$ 1,862.00	\$ 256.00	\$ 1,792.00	\$ 269.00	\$ 1,883.00
39	6"x6" MJ Tee DI	-	EA	\$ 213.00	\$ -	\$ 205.00	\$ -	\$ -	\$ -
40	6" MJ Megalug for PVC Pipe	35	EA	\$ 40.50	\$ 1,417.50	\$ 40.00	\$ 1,400.00	\$ 39.00	\$ 1,365.00
41	8" MJ Megalug for PVC Pipe	100	EA	\$ 60.00	\$ 6,000.00	\$ 59.00	\$ 5,900.00	\$ 58.00	\$ 5,800.00
42	12" MJ Megalug for PVC Pipe	-	EA	\$ 120.00	\$ -	\$ 118.00	\$ -	\$ -	\$ -
43	6" MJ Gasket	35	EA	\$ 3.00	\$ 105.00	\$ 4.00	\$ 140.00	\$ 7.15	\$ 250.25
44	8" MJ Gasket	100	EA	\$ 3.00	\$ 300.00	\$ 5.00	\$ 500.00	\$ 8.00	\$ 800.00
45	12" MJ Gasket	-	EA	\$ 5.00	\$ -	\$ 7.00	\$ -	\$ -	\$ -
46	3/4"x3.5" T-Head Bolt n Nut Coated	7	EA	\$ 5.90	\$ 5,162.50 *	\$ 4.55	\$ 3,981.25 *	\$ 3.00	\$ 2,625.00 *
47	3/4"x4" T-Head Bolt n Nut Coated	-	EA	\$ 6.00	\$ -	\$ 5.00	\$ -	\$ -	\$ -
48	5'6" Curb Box	170	EA	\$ 56.00	\$ 9,520.00	\$ 45.80	\$ 7,786.00	\$ 139.00	\$ 23,630.00
49	3/4" Curb Stop CFxCF	170	EA	\$ 84.90	\$ 14,433.00	\$ 77.90	\$ 13,243.00	\$ 87.00	\$ 14,790.00
50	3/4" Corp Stop CCxCR (150 PSI)	170	EA	\$ 35.75	\$ 6,077.50	\$ 35.55	\$ 6,043.50	\$ 36.00	\$ 6,120.00
51	3/4" 3pc Coupling CFxCF	85	EA	\$ 19.75	\$ 1,678.75	\$ 19.80	\$ 1,683.00	\$ 20.00	\$ 1,700.00
52	8"x3/4"CC DBL Saddle	170	EA	\$ 157.50	\$ 26,775.00	\$ 156.00	\$ 26,520.00	\$ 183.00	\$ 31,110.00
53	8"x1" CC DBL Saddle	-	EA	\$ 157.50	\$ -	\$ 156.00	\$ -	\$ -	\$ -
54	8"x1.5"CC DBL Saddle	-	EA	\$ 165.75	\$ -	\$ 165.00	\$ -	\$ -	\$ -
55	8"x2"CC DBL Saddle	-	EA	\$ 180.00	\$ -	\$ 180.00	\$ -	\$ -	\$ -
56	12"x3/4" CC DBL Saddle	-	EA	\$ 228.50	\$ -	\$ 227.00	\$ -	\$ -	\$ -
57	12"x1" CC DBL Saddle	-	EA	\$ 228.50	\$ -	\$ 227.00	\$ -	\$ -	\$ -
58	12"x1.5" CC DBL Saddle	-	EA	\$ 257.50	\$ -	\$ 255.00	\$ -	\$ -	\$ -
59	12"x2" CC DBL Saddle	-	EA	\$ 262.50	\$ -	\$ 260.00	\$ -	\$ -	\$ -
60	3/4" K Copper 60' Roll	21	EA	\$ 358.80	\$ 7,534.80	\$ 6.00	\$ 7,560.00 *	\$ 372.60	\$ 7,824.60
61	3/4" K Copper 100' Roll	2	EA	\$ 598.00	\$ 1,196.00	\$ 6.00	\$ 1,200.00 *	\$ 621.00	\$ 1,242.00
62	1" K Copper 60' Roll	-	EA	\$ 495.00	\$ -	\$ 7.95	\$ -	\$ -	\$ -
63	1" K Copper 100' Roll	-	EA	\$ 825.00	\$ -	\$ 7.95	\$ -	\$ -	\$ -
64	2" K Copper 60' Roll	-	EA	\$ 1,200.00	\$ -	\$ 19.50	\$ -	\$ -	\$ -
65	8"X12" Solid Sleeve	6	EA	\$ 169.00	\$ 1,014.00	\$ 164.00	\$ 984.00	\$ 309.00	\$ 1,854.00
66	5BR250 Hydrant Extension 6"	1	EA	\$ 459.00	\$ 459.00	\$ 448.00	\$ 448.00	\$ 600.00	\$ 600.00
67	5BR250 Hydrant Extension 12"	1	EA	\$ 565.00	\$ 565.00	\$ 537.00	\$ 537.00	\$ 327.00	\$ 327.00
68	6" Locking 90 Hydrant Elbow	1	EA	\$ 285.00	\$ 285.00	\$ 276.00	\$ 276.00	\$ 287.00	\$ 287.00
Total Bid:				\$ 262,894.70 *		\$ 266,272.54 *		\$ 282,284.05	

* Indicates that bid amount was corrected by the City

ITB 1064 WATER PARTS

AS READ TOTAL BID PRICING ONLY
6-Feb-23

	<u>Company</u>	<u>TOTAL COST:</u>	<u>NOTES:</u>
1	Core + Main	266,273.02	
2	Ferguson	258,847.90	
3	Etna -	279,998.05	
4			
5			
6			
7			
8			
9			
10			

ITB 1064 WATER PARTS

VENDOR BID OPENING SIGN IN SHEET6-Feb-23

	<u>Company</u>	<u>Print Name</u>	<u>Email Address</u>
1	CORE + MAIN LP	CHRIS CLIMKE	CHRISTOPHER.CLIMKE@coreandmain.com
2			
3			
4			
5			
6			
7			
8			
9			
10			

- Copy -



**CITY OF MADISON HEIGHTS
PURCHASING DEPARTMENT
300 WEST 13 MILE ROAD
MADISON HEIGHTS, MICHIGAN, 48071
(248) 583-0828**

INVITATION TO BID #MH-1064

ITEM: 2023 Water Main Replacement Pipe and Parts

DEADLINE: Monday, February 6, 2023, before 11:00 a.m.

Proposals will be accepted by the City Clerk's Office at 300 West 13 Mile Road, Madison Heights, Michigan, 48071 until 2/6/2023 at 11:00 a.m. (EST). Proposals will be opened at 11:05 am (EST).

The City of Madison Heights is a Participating Agency in the Michigan Inter-Governmental Trade Network (MITN). Interested vendors are encouraged to register with MITN at www.MITN.info to view specifications for this and all of our open bids.

Amy J. Mischak
HR Director/Purchasing Coordinator
City of Madison Heights
(248) 583-0828

**City of Madison Heights
300 West 13 Mile Road
Madison Heights, Michigan, 48071**

**ITB #MH-1064 – 2023 Water Main Replacement Pipe and Parts
Minimum Specifications**

General:

The City of Madison Heights (hereafter "City") seeks a qualified firm (hereafter "Contractor") to supply and deliver water main replacement pipe and parts for the City's 2023 Water Main Replacement Projects. The project includes the following roads: **Alger (11 Mile to Andover), Brettonwoods (11 Mile to Andover), Garry (Sherry to Longfellow)**. The City intends to begin this project in late March 2023, and all items for the project will be purchased no later than September 1, 2023. Unit prices may be extended for additional projects thereafter upon written agreement of the parties. If both parties agree to extend the bid but a manufacturer has issued a price increase, the bid may still be extended if documentation of said increase is provided to the city.

The list included in these specifications does not necessarily encompass every item required. **The quantity to be purchased is not guaranteed and will be supplied by the successful bidder on a unit-cost, as-needed basis.** Whenever possible, the City would prefer to purchase products manufactured in the United States. MJ Fittings and D-Boxes made by Tyler/Union or East Jordan Iron Works, Megalugs made by Ebba Iron or Romac, and Hydrants and Valve Castings made by East Jordan Iron Works are preferred.

Any material that does not meet current NSF, ANSI, or AWWA standards will not be considered.

The bids will be analyzed to determine the lowest qualified bidder by comparing prices of specific items listed in this bid.

Please note that the material quantity may increase or decrease depending on budget approval; unit price will prevail on all items.

If you have any questions regarding these specifications please contact DPS Director - Corey Almas at (248) 837-2799 or Utilities Supervisor - Chris Woodward at (248) 837-2803.

Specifications:

Design & Quality: All items must meet or exceed the original equipment manufacturer's specifications.

Bid Price: The City requires the price bid to remain firm through September 1, 2023, with an option to extend thereafter upon written agreement between the City and the vendor. Contract award may be awarded as soon as February 13, 2023, but no later than February 27, 2023.

Low Price Protection: When any item contained in the lowest qualified bidder's price list can be purchased for less from another vendor, the lowest qualified bidder shall be allowed to reduce the price on that item. If the bidder chooses not to reduce the price, the City may purchase the item at the lower price from another vendor.

Delivery: For items in stock is delivery available? Yes ☒ No ☐

If yes, is delivery available within 24 hours of order? Yes ☐ No ☒ *Exceptions may be made*

Cost for delivery \$ 0

Minimum Order Dollar Amount: \$ 0 Quantity: 0

I. INSTRUCTIONS TO VENDORS ITB #MH-1064:**1. PREPARATION OF PROPOSAL**

- A. Interested contractors are expected to examine specifications and all instructions. Failure to do so will be at the contractor's risk.
- B. Each contractor shall furnish all information required on proposal forms. Erasures or other changes must be initialed by the person signing the form.
- C. If there is any doubt as to the meaning of any part of the specifications or other conditions within this request for proposal, please call (248) 583-0828 for clarification.

2. SUBMISSION OF PROPOSALS

- A. One original and three (3) copies of the proposal shall be submitted in sealed envelopes and shall include the following information on the face of the envelope:

**Contractor's Name
Address
ITB Number and Item**

Failure to do so may result in a premature opening of, or failure to open, such proposal. All bids must be hand-delivered or mailed to:

Madison Heights City Clerk's Office
300 West 13 Mile Road
Madison Heights, Michigan, 48071

- B. Bidders are responsible for submitting proposals before stated closing time. Delays in the mail will not be considered. Any proposal received after the stated deadline will be rejected.
- C. In the event no bid is to be submitted, do not return the invitation. Please send a letter or postcard to the Purchasing Agent to advise whether future invitations are desired for the type of items or services covered by this invitation.
- D. Any bid may be withdrawn by giving written notice to the Purchasing Agent before stated closing time. After stated closing time, no bid may be withdrawn or canceled for a period of ninety (90) days after said closing time.
- E. The bidder shall specify a unit price for each item listed. Unit price will prevail on all items.
- F. **TERMS**
All bids to be tax exempt, State of Michigan #B386025685.
All pricing to be FOB destination 801 Ajax Drive, Madison Heights, Michigan, 48071

Please direct any questions to the Purchasing Department at
(248) 583-0828, Monday through Friday, from 8:00 AM to 4:30 PM (EST)
Please note that we are closed for lunch between 11:30am and 12:30pm

II. CONSIDERATION OF PROPOSALS ITB #MH-1064:

A. Proposals submitted on bid form are understood to be according to specified data.

In cases where an item is requested by a manufacturer's name, trade name, catalog number, or reference, it is understood that the bidder proposes to furnish the item so identified or an item of equal quality and value.

Reference to any of the above is intended to be descriptive but not restrictive and only indicates articles that will not be satisfactory. Bids of "equal" quality and value will be considered, provided that the bidder states in his/her proposal exactly what he/she proposes to furnish, including illustration or other descriptive matter which will clearly indicate the character of the article covered by such proposal.

- B. The Purchasing Agent hereby reserves the right to approve as an equal, or reject as not being an equal, any article proposed which contains major or minor variations from specification requirements but which may comply substantially therewith.**
- C. The City of Madison Heights reserves the right, in its sole discretion, to reject any/or all bids, to waive any irregularities and technical defects contained therein, to award the bid in its entirety, in part or not at all and/or to determine which bid is the lowest and/or best to enter into a Contract, as it may deem to be in the best interest of the City.**

D. NON-IRAN LINKED BUSINESS.

Under Michigan Public Act No. 517 of 2012, as amended, an Iran linked business as defined therein is not eligible to contract with the City of Madison Heights and shall not submit a bid. By signing the bid documents it is hereby certified and agreed on behalf of the signatory and the company submitting this proposal the following: (1) that the signatory is duly authorized to legally bind the company submitting this proposal; and (2) that the company submitting this proposal is not an "Iran linked business," as that term is defined in Section 2(e) of the Iran Economic Sanctions Act, being Michigan Public Act No. 517 of 2012; and (3) that the signatory and the company submitting this proposal will immediately comply with any further certifications or information submissions requested by the City in this regard.

E. NON-DISCRIMINATION CLAUSE

In the performance of a contract or purchase order, the contractor agrees not to discriminate against any employee or applicant for employment, with respect to their hire, tenure, terms conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, ancestry, age, sex, height, weight, marital status, physical or mental handicap or disability. The contractor further agrees that every subcontract entered into for the performance of any contract or purchase order resulting herefrom will contain a provision requiring non-discrimination in employment, as herein specified, binding upon each subcontractor. This covenant is required pursuant to Title VI of the Civil Rights Act of 1964 42 U.S.C., as well as the Elliot Larsen Civil Rights Act, 1976 Public Act 453, as amended, MCL 37.2201, et seq, and the Michigan Handicapper's Civil Rights Act, 1976 Public Act 220, as amended, MCL 37.1101, et seq, and any breach thereof may be regarded as a material breach of the contract or purchase order.

- F. The Contractor / Company acknowledges and agrees that the City, with the written approval of the Contractor / Company, may extend this Contract for new projects or additional work of a similar nature at the same unit prices as set out by Contractor / Company for this Contract, by execution of a change order. Any work to be performed under a change order of this contract is subject to all the requirements contained herein. The Contractor / Company shall provide all insurance certificates and performance bonds for the required coverage for the new work to be performed for any change order extending this contract. A change order extending this Contract, as set out herein, shall be in compliance with Section 2-249 (c)(1) of the City's purchasing ordinance.**

III. INSURANCE REQUIREMENTS ITB #MH-1064:

The contractor, or any of their subcontractors, shall not commence work under this contract until they have obtained the insurance required under this paragraph, and shall keep such insurance in force during the entire life of this contract. All coverage shall be with insurance companies licensed and admitted to do business in the State of Michigan and acceptable to the City of Madison Heights. The requirements below should not be interpreted to limit the liability of the Contractor. All deductibles and Self Insured Retentions are the responsibility of the Contractor.

- Worker's Compensation Insurance including Employers' Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence and aggregate. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included. A per project/contract aggregate shall be endorsed onto this policy.
- Automobile Liability including Michigan No-Fault Coverages, with limits of liability not less than \$1,000,000 per occurrence, combined single limit for Bodily Injury, and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- Owners' and Contractors' Protective Liability: The Contractor shall procure and maintain during the life of this contract, a separate Owners' and Contractors' Protective Liability Policy with limits of liability not less than \$1,000,000 per occurrence and aggregate. .
- Additional Insured: Commercial General Liability and Motor Vehicle Liability, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Madison Heights, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Madison Heights as additional insured, coverage afforded is considered to be primary and any other insurance the City of Madison Heights may have in effect shall be considered secondary and/or excess.
- Cancellation Notice: All policies, as described above, shall include an endorsement stating that is it understood and agreed Thirty (30) days, Ten (10) days for non-payment of premium, Advance Written Notice of Cancellation, Non-Renewal, Reduction, and/or Material Change shall be sent to: City of Madison Heights, c/o Purchasing Department, 300 West 13 Mile, Madison Heights, MI 48071.
- Proof of Insurance Coverage: The Contractor shall provide the City of Madison Heights, at the time that the contracts are returned by him/her for execution, a Certificate of Insurance as well as the required endorsements. In lieu of required endorsements, if applicable, a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned above shall be furnished, if so requested.

If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and endorsements to the City of Madison Heights as least ten (10) days prior to the expiration date.

IV. SUPPLEMENTAL SPECIFICATIONS ITB #MH-1064:**ADDENDUM INFORMATION**

Any questions or concerns regarding this ITB must be submitted in writing via email to:
corevalmas@madison-heights.org, before 12:00pm Tuesday, January 31, 2023.

An addendum addressing any vendor questions or concerns will be posted at www.mh1n.info no later than the close of business Thursday, February 2, 2023.

SUB CONTRACTS

The Contractor shall not sublet, assign, or transfer this contract or any portion thereof or any payment due him there under, without the written consent of the Owner. Assignment or subletting the whole or any portion of this contract shall not operate to release the Contractor or his bondsman hereunder from any of the contract obligations. If the Contractor shall cause any part of the work under this Contract to be performed by a subcontractor, the subcontractor's officers and employees in all respects are considered employees of the Contractor, and the Contractor shall not be in any manner thereby relieved from his obligations and liability; and the work and materials furnished by the subcontractor shall be subject to the same provisions as if furnished by the Contractor.

DELIVERY AND RECEIVING HOURS

Deliveries will be accepted at the Department of Public Services (801 Ajax Drive, Madison Heights, Michigan, 48071) Monday - Friday, between the hours of 7:00 AM and 2:00 PM only, unless otherwise arranged and scheduled. No deliveries will be accepted on City observed holidays.

PAYMENT INFORMATION

Payment Terms Net 30

Discount terms N/A % discount for payment within N/A days.

Signature Thomas B. Fisher Date 2-3-23

V. PRICING PAGE:

City of Madison Heights ITB #MH-1064:

Contractor: COKE + MAW LP

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL
1	12" C900 DR14 PVC	FT	0	58.66	0
2	8" C900 DR14 PVC	FT	4,600	27.22	125,212.00
3	6" C900 DR14 PVC	FT	160	15.83	2,532.80
4	5 Gallon Pipe Lube	EA	1	76.35	76.35
5	12" Valve 8RW12 MJ VLV OR	EA	0	2346.68	0
6	8" Valve 8RW12 MJ VLV OR	EA	6	1189.34	7136.04
7	6" Valve 8RW12 MJ VLV OR	EA	7	738.66	5170.62
8	1040Z Frame 7"	EA	6	285.20	1711.68
9	1040A Cover w/MH Water Logo	EA	6	204.28	1225.68
10	60" Dia. x 8" Concrete Gate Well Base	EA	9	305.00	2745.00
11	48" Dia. x 3' Gate Well Bottom Section with (2) Doghouse Openings	EA	6	550.00	3300.00
12	48" Dia. x 2' Eccentric Gate Well Cone	EA	6	280.00	1680.00
13	48" Dia. x 1' Grooved Gate Well Flattop	EA	6	345.00	2070.00
14	96 Brick MHC State of MI Spec Manhole	PALLET	1	0.65/ea	312.00/pallet
15	96 Block 246 Manhole 24"x6"	PALLET	1	2.95/ea	283.20/pallet
16	94 pound Bag of Cement	PALLET	1	14.50/ea	580.00/pallet
17	Bag of Mortar	PALLET	1	9.75/ea	438.75/pallet
18	EJ Fire Hydrant - 5BR250 (4.5' DOB)	EA	7	3011.87	21,083.09
19	D-Box Assembly (without lid)	EA	7	236.58	1656.06
20	D-Box Lid * w/MH Water Logo *	EA	7	18.00	126.00
21	24" D-Box Extension	EA	0	75.43	0
22	12" MJ Cap DI	EA	0	165.00	0
23	8" MJ Cap DI	EA	12	114.00	1368.00
24	6" MJ Cap DI	EA	0	73.00	0
25	12" MJ Plug DI	EA	0	253.00	0
26	8" MJ Plug DI	EA	18	122.00	2196.00
27	6" MJ Plug DI	EA	0	86.00	0
28	12" MJ 45 Bend DI	EA	0	413.00	0
29	8" MJ 45 Bend DI	EA	12	165.00	1980.00
30	12" MJ 22.5 Bend DI	EA	0	351.00	0
31	8" MJ 22.5 Bend DI	EA	7	162.00	1134.00
32	12" MJ 11.25 Bend DI	EA	0	332.00	0
33	8" MJ 11.25 Bend DI	EA	3	148.00	444.00
34	12"x12" MJ Tee DI	EA	0	667.00	0
35	12"x8" MJ Tee DI	EA	0	507.00	0
36	12"x6" MJ Tee DI	EA	0	490.00	0

V. PRICING PAGE (CONTINUED):

City of Madison Heights ITB #MH-1064:

Contractor: CORE + MAIN LP

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	TOTAL
37	8"x8" MJ Tee DI	EA	6	303.00	1818.00
38	8"x6" MJ Tee DI	EA	7	256.00	1792.00
39	6"x6" MJ Tee DI	EA	0	205.00	0
40	6" MJ Megalug for PVC Pipe	EA	35	40.00	1400.00
41	8" MJ Megalug for PVC Pipe	EA	100	59.00	5900.00
42	12" MJ Megalug for PVC Pipe	EA	0	118.00	0
43	6" MJ Gasket	EA	35	4.00	140.00
44	8" MJ Gasket	EA	100	5.00	500.00
45	12" MJ Gasket	EA	0	7.00	0
46	3/4"x3.5" T-Head Bolt n Nut Coated	EA	7	4.55/Bolt	3181.25 / 7 Buckets
47	3/4"x4" T-Head Bolt n Nut Coated	EA	0	5.00/Bolt	0
48	5'6" Curb Box	EA	170	45.80	7786.00
49	3/4" Curb Stop CFxCF	EA	170	77.90	13,243.00
50	3/4" Corp Stop CCxCR	EA	170	35.55	6043.50
51	3/4" 3pc Coupling CFxCF	EA	85	19.80	1683.00
52	8"x3/4" CC DBL Saddle	EA	170	156.00	26,520.00
53	8"x1" CC DBL Saddle	EA	0	156.00	0
54	8"x1.5" CC DBL Saddle	EA	0	165.00	0
55	8"x2" CC DBL Saddle	EA	0	180.00	0
56	12"x3/4" CC DBL Saddle	EA	0	227.00	0
57	12"x1" CC DBL Saddle	EA	0	227.00	0
58	12"x1.5" CC DBL Saddle	EA	0	255.00	0
59	12"x2" CC DBL Saddle	EA	0	260.00	0
60	3/4" K Copper 60' Roll	EA	21	6.00/Ft	7560.00-21 Rolls
61	3/4" K Copper 100' Roll	EA	2	6.00/Ft	1200.00-2 Rolls
62	1" K Copper 60' Roll	EA	0	7.95/Ft	0
63	1" K Copper 100' Roll	EA	0	7.95/Ft	0
64	2" K Copper 60' Roll	EA	0	19.50/Ft	0
65	8"X12" Solid Sleeve	EA	6	164.00	984.00
66	5BR250 Hydrant Extension 6"	EA	1	448.00	448.00
67	5BR250 Hydrant Extension 12"	EA	1	537.00	537.00
68	6" Locking 90 Hydrant Elbow	EA	1	276.00	276.00
				TOTAL COST:	266,273.02

COMPANY INFORMATION:Company Name CORE AND MAIN LPPrinted Name/Title of Person Signing Bid Thomas B FisherSignature Thomas B FisherAddress 6575 23 MILE RDSHELBY TWP, MI 48316Phone: 586-323-8800 Fax: 586-323-8818Email Address: CHRISTOPHER.CLIMIE@COREANDMAIN Date: 2.3-23
com

****SUBMIT ORIGINAL PROPOSAL ALONG WITH THREE COPIES IN A SEALED ENVELOPE MARKED ACCORDING TO SUBMITTAL GUIDELINES ALONG WITH QUALIFICATIONS QUESTIONNAIRE AND NON-COLLUSION AFFIDAVIT TO THE CITY OF MADISON HEIGHTS CLERK'S OFFICE BEFORE THE DEADLINE 11:00 A.M. ON MONDAY, FEBRUARY 6, 2023. ALL OTHER ITEMS - CONTRACT, LABOR & MATERIALS BOND (IF NECESSARY) - WILL BE SUBMITTED AFTER APPROVAL OF THE CONTRACT.****

VI. Additional Extension Option - MITN:

The City of Madison Heights is a member of the Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative. If your company is awarded an item or a completed contract, the cooperative entities may wish to use this contract and will use a purchase order or contract for any or all of the item(s) awarded following minimum order/contract requirements set forth in the bid documents. Each entity will provide its own purchase order or contract and must be invoiced separately to the address on the purchase order/contract.

Currently, there are more than 100 agencies participating in the MITN Cooperative.

() If an award is made to _____
(Company Name)

it is agreed that the contract will be extended to members of MITN Purchasing Cooperative under the same prices, terms, and conditions.

Signature of Company Representative

~OR~

(☒) Our company CORE AND MAIN LP is NOT interested in extending this contract.
(Company Name)

Thomas B Fisher

Signature of Company Representative

(For more information on the MITN cooperative, including a list of participating agencies, please go to www.MITN.info.)

VII. CITY OF MADISON HEIGHTS
QUALIFICATION QUESTIONNAIRE

Failure to completely fill out this form or failure to supply adequate information could result in disqualification of bidder.

Name of Bidder: CORE AND MAIN LP

Address of Bidder: 6575 23 MILE RD, SHELBY TWP MI 48316

Type of Business Entity: LIMITED PARTNERSHIP
 (Example: Corporation, Partnership, etc.)

How Long Established: SINCE 11-22-2004

Names and Addresses of
 All Principals of Bidder: STEPHEN LECIAIRE - CEO

MARK WITKOWSKI - CFO

GENERAL PARTNER: CORE + MAIN INTERMEDIATE GP, LLC

LIMITED PARTNER: CORE + MAIN MIDCO, LLC

1830 CRAIG PARK COURT, ST. LOUIS MO 63146

1. List all other Corporations, Partnerships, Assumed Names, and/or Businesses in which the above listed principals have an interest in any way, including but not limited to, ownership stockholder, employment, principal, officer or other business relationship.

NONE

2. List 3 current references from municipalities or public agencies familiar with the work performed by the Bidder and list the name, addresses and telephone number of a contact person.

CITY OF HAZEL PARK - STEVE DUBAY 586-206-0005; 24211 COUZENS AVE, HAZEL PARK MI 48030

CLINTON TOWNSHIP - JOHN LAUGHUNN 586-791-1766; 24230 SHOOK, CLINTON TWP MI 48035

CITY OF SOUTHGATE - PHIL FERRO 734-216-5486; 14719 SCHAFER CT, SOUTHGATE MI 48145

3. List 3 current references from private or non-public sources familiar with the work performed by the Bidder and list the name, address and telephone number of a contact person.

MERLO CONSTRUCTION - GIFF 248-452-1872 / 4464 TECHNICAL DR, MILFORD MI 48381

FANELLI CONSTRUCTION - TONY 248-640-0596 / 25239 WITHERSPOON, FARMINGTON HILLS MI 48335

BLUE RIBBON CONTRACTING - JEFF 248-909-1888 / 11531 MONTEREY DR, BELLEVILLE MI 48111

4. List the names and address of all subcontractors the Bidder proposes to use on the project.

NONE

The undersigned verifies that the information contained herein is truthful and accurate and acknowledge that they are owners or agents of the Bidder.

Thomas B Fisher

Bidder's or Authorized
Representative's Signature

MICHIGAN DISTRICT MANAGER

Title of Signatory

THOMAS FISHER

Bidder's Printed Name

Dated: 2-3-2023

Subscribed and sworn to before me on

This 3 day of FEB., 2023.

Jeffrey M Mitchell

Jeffrey M Mitchell Notary Public
OAKLAND ACTING WAYNE County, Michigan

Jeffrey M Mitchell
Notary Public, State of MI
County of Oakland
My Commission Expires Oct. 25, 2028
Acting in the County of Wayne

NON-COLLUSION AFFIDAVIT**Return this completed form with your sealed bid.**

Thomas B Fisher being duly sworn deposes and says:

That he/she is DISTRICT MANAGER
(state official capacity in firm)

The party making the foregoing proposal or bid, that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price or that of any other bidder, or to secure the advantage against the City of Madison Heights or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

Thomas B Fisher
(Signature of person submitting bid)

Subscribed and sworn this 3 day of FEB, 2023 before me, a Notary Public in and for said County.

Jeffrey M Mitchell
Notary Public

My Commission Expires:

OCT. 25 2028

Jeffrey M Mitchell
Notary Public, State of MI
County of Oakland
My Commission Expires Oct. 25, 2028
Acting in the County of Wayne



AGENDA ITEM SUMMARY FORM

MEETING DATE: 2/13

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

AGENDA ITEM CONTENT: DPS - Illicit Discharge Elimination Plan (IDEP) Ordinance

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

As a condition of our Municipal Separate Storm Sewer System (MS-4) permit, which allows the City of Madison Heights to discharge stormwater to the waters of the state, we are required to adopt an Illicit Discharge Elimination Plan (IDEP) ordinance.

RECOMMENDATION:

First reading took place at the Council meeting of January 23, 2023. Staff recommends that Council adopt Ordinance 2192 on second reading.

ORDINANCE NO. 2192

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 29, Article V, Section 29-116 to provide for the health, safety, and general welfare of the citizens of the City of Madison Heights through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 29, Article V, Section 29-116 of the Code of Ordinances of the City of Madison Heights is hereby amended in its entirety to read as follows:

Sec. 29-116 Exclusion of Stormwater from Sanitary Sewers & Illicit Discharge Elimination

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

- (1) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

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

Authorized enforcement agency means the City of Madison Heights Department of Public Services and its authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager or Mayor of the City of Madison Heights to enforce this Ordinance. Where applicable, the terms may also mean the director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or his/her designated official, and/or the United States EPA Administrator or his/her designated official.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Madison Heights.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

County means the County of Oakland.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five acres or more requiring an issued permit and small construction activities impacting one to five acres of land deemed to operate under a national permit. Such activities include, but are not limited to: clearing and grubbing, grading, excavating, and demolition.

Hazardous materials mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in sub-section G of this Ordinance.

Illicit connections mean either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited, to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the United States Environmental Protection Agency (EPA), or by the State of Michigan under authority delegated pursuant to 33 USC § 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101, et seq., that authorizes the discharge of pollutants to waters of the United States or State of Michigan, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sanitary sewer system means the publicly owned facilities consisting of, but not limited to, transporting pipes, pumping equipment, storage containment, treatment operations and other structures for purpose of wastewater remediation for the management of water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments.

Storm sewer system or storm drainage system means a publicly owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

C. Exclusion of stormwater from sanitary sewers:

- (1) Direct connection of any stormwater source to sanitary sewers is not allowed.
- (2) Subsurface water collected by edge drains, sump pumps or other means of conveyance must be discharged into a storm sewer or on surface with positive drainage to an approved point of collection.
- (3) Sanitary sewer systems shall be periodically checked for infiltration and repaired as needed.

D. Applicability: This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

E. Enforcement, Responsibility for Administration: This Ordinance shall be enforceable by the City of Madison Heights Department of Public Services or other authorized enforcement agency, as appropriate.

F. Minimum Standards: The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore, this Ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

G. Discharge Prohibitions:

(1) Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the storm drain system or watercourses, any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited; however, the following discharges are exempt from prohibition as described:

- (a) The discharges and flows from firefighting activities if they are identified as not being a significant source of pollutants to the waters of the state.
- (b) Discharges specified in writing by the City of Madison Heights Department of Public Services as being necessary to protect public health and safety.
- (c) Dye testing, when there has been verbal notification to the Department of Public Services and state department of environmental quality procedures have been followed.
- (d) Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- (e) The following discharges or flows if they are identified as not being a significant contributor to violations of water quality standards: water line flushing and discharges from potable water sources; landscape irrigation runoff, lawn watering runoff, and

irrigation waters; diverted stream flows and flows from riparian habitats and wetlands; rising groundwaters and springs; uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits; foundation drains, water from crawl space pumps, footing drains and basement sump pumps; air conditioning condensation; waters from noncommercial car washing; street wash water; dechlorinated swimming pool water from single-, two- or three-family residences. Other swimming pools shall not be discharged to stormwater or to surface waters of the state without NPDES permit authorization from EGLE.

(2) Prohibition of illicit connections.

- (a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this article if the person connects a line conveying sewage to a storm drain system or MS4 or allows such a connection to continue.

(3) Prohibition of Direct Dumping or Disposal of Materials into the MS4.

The direct dumping of materials or discharges into the MS4 is prohibited except for those illicit discharges identified as not being a significant contributor to violations of water quality standards.

H. Right of Entry: The City of Madison Heights Department of Public Services or other authorized enforcement agency shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing of suspected non-stormwater discharges in accordance with the provisions of this article. Refusal of reasonable access to the City and/or representatives of the authorized enforcement agency to any part of the premises is a violation of this article.

I. Suspension of Storm Sewer System Access:

- (1) Suspension due to illicit discharges in emergency situations: The Department of Public Services or other authorized enforcement agency may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the Waters of the United States or this state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or this state, or to minimize danger to persons.
- (2) Suspension due to the detection of illicit discharge: Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access

terminated if such termination would abate or reduce an illicit discharge. The Department of Public Services will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the City for reconsideration and hearing.

- (3) Violations: A person violates this article if the person reinstates storm sewer system access to premises terminated pursuant to this section, without the prior approval of the Department of Public Services or other authorized enforcement agency.

J. Industrial or Construction Activity Discharges: Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.

K. Monitoring of Discharges: The City of Madison Heights Department of Public Services has the right to require non-residential dischargers to install monitoring equipment as necessary if a non-stormwater discharge is suspected. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

L. Requirements to prevent, control, and reduce storm water pollutants by the use of best management practices: The City of Madison Heights Department of Public Services or his designee will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

M. Watercourse Protection: Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

N. Notification of Spills: Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or

may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Madison Heights Department of Public Services within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

O. Enforcement:

(1) Notice of Violation: Whenever the city engineer or his designee finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Madison Heights may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination of hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

(2) Abatement of a Violation: If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the City of Madison Heights or its designee at the violator's expense.

P. Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the City of Madison Heights. The notice of appeal must be received by the City Clerk within 30 days from the date of the Notice of Violation. Hearing on the appeal by the City Council's appointed hearing officer shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the hearing officer shall be final.

Q. Enforcement of Measures after Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the City of Madison Heights upholding its decision, then representatives of the City or its designees shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or its designee to enter upon the premises for the purposes set forth above.

R. Cost of the Abatement of the Violation: Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the City of Madison Heights or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of five percent (5%) per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

S. Injunctive Relief: It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Madison Heights may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

T. Appeal of Notice of Violation: In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Madison Heights may impose upon a violator's alternative compensatory actions; including, but not limited to: storm drain stenciling, attendance at compliance workshops, and creek cleanup.

U. Violations Deemed a Public Nuisance: In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The City of Madison Heights may also simultaneously or alternatively initiate a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

V. Criminal Prosecution:

- (1) Any person who violates this ordinance shall be guilty of a misdemeanor and subject to the penalties set forth in Sec 1-7 of the City of Madison Heights Code.
- (2) The City of Madison Heights may recover all attorney's fees; court costs; and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

W. Remedies Not Exclusive: The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 2.

All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect

Section 3.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by a Court of competent jurisdiction 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.

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 commenced.

Section 5.

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

Section 6.

A copy of this ordinance may be inspected or purchased at the City Clerk's office at 300 West Thirteen Mile Road, Madison Heights, Michigan, 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.