



CITY OF MADISON HEIGHTS

FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET

CITY COUNCIL REGULAR MEETING AGENDA

JUNE 13, 2022 AT 7:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - MAYOR GRAFSTEIN APPROVAL OF THE AGENDA:

1. Additions/Deletions **Communications - Request to Recognize Madison Heights Citizens United as a Non-Profit Organization for the Purpose of Obtaining a Charitable Gaming License**

PRESENTATIONS

PUBLIC HEARINGS:

2. Special Approval PSP 22-05 - Lutfi Alrishood d/b/a 'Dino Land' - 32109 John R Road - Indoor Recreation. B-3, General Business District

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE

MEETING OPEN TO THE PUBLIC:

COMMUNICATIONS:

3. City Manager - Emergency Purchase, Change Order #1 and #2 - Adams Demolition for 901 and 945/959 E. Ten Mile
4. GFL - Service Update

REPORTS:

5. Finance Director - Contract for Assessing Services
6. DPS Director - 2022 Oakland County Local Road Improvement Program (LRIP) Cost Participation Agreement
7. DPS Director - Council Approval of the 2022 Festival in the Park Fireworks Display Permit
8. Finance Director - Resolution Adopting Poverty Exemption Guidelines

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

9. DPS Director - Purchase of 2 Police Patrol Vehicles

ORDINANCES:

10. City Attorney - Ordinance No. 2181 - Medical Marijuana Ordinance Amendment , Second Reading
11. City Attorney - Ordinance No. 2183 - 2021 Property Maintenance Code - First Reading
12. City Attorney - Ordinance No. 2186 - 2021 International Fire Code - First Reading
13. CED Director - Rezoning Request PRZN 22-01(Ordinance No. 2184) - Rezone 30151, 30171 and 30183 Dequindre Road from R-3, One-Family Residential, to R-M, Multiple-Family Residential, First Reading

- [14.](#) CED Director - Rezoning Request PRZN 22-02(Ordinance No. 2185) - Rezone three (3) parcels of land at 29022 Stephenson Hwy. from M-1, Light Industrial, to B-3, General Business, First Reading

UNFINISHED BUSINESS:

MINUTES:

- [15.](#) Regular City Council Meeting Minutes of May 23, 2022

EXECUTIVE SESSION:

ADJOURNMENT

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

DATE: June 9, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, June 13, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, June 13, 2022.

PUBLIC HEARINGS:

SPECIAL USE PSP 22-05, LUTFI ALRISHOOS d/b/a 'DINO LAND' – 32190 JOHN R ROAD – INDOOR RECREATION B-3, GENERAL BUSINESS DISTRICT

The applicant, Lutfi Alrishood, requests special use approval to operate an indoor children's recreation business within an existing commercial retail center located at Madison Place at 32109 John R Road. This property is zoned B-3.

The applicant proposes to operate an indoor children's playground and café known as "Dino Land" within a vacant retail space at the Madison Place shopping center. The vacant retail space is approximately 9,600 square feet. Per the project description, the business will provide an indoor playground for children, four private birthday party rooms, and a café. Per section 10.326, indoor and outdoor recreation businesses are permitted as a special use within the B-3 zoning district.

The Site Plan Review Committee reviewed the special use application at their May 25, 2022, meeting and did not cite any concerns with the proposed use. Therefore the Site Plan Review Committee and staff recommend that the City Council approve the requested special use application for indoor recreational use at 32109 John R Road.

COMMUNICATIONS:

EMERGENCY PURCHASE – CHANGE ORDERS #1 and #2 ADAMS DEMOLITION – 901 AND 945/959 E. TEN MILE

On February 28, 2022, City Council approved the contract with the Adams Group to demolish 901 and 945/959 East Ten Mile Road building structures for \$412,154. However, once this work started, several new situations developed requiring change orders related to contamination and backfill needs of the sites and were outside the demolition company's control. These change orders were reviewed by staff and the State of Michigan before being approved through the City's emergency purchasing provision. This provision was enacted to prevent project delays of this time sensitivity and unique project.

Change Order #1 related to 901 E. Ten Mile and resulted from onsite hydraulic tank removal and additional backfill and stone for \$27,396.

Change Order #2 related to 945/959 E. Ten Mile resulted from additional estimated hazardous waste tonnage for an approximate total of \$90,300. The actual cost will be based on the exact amount of tonnage disposed of.

Including these addendums, Adam's Group is still the lowest and most responsible bidder. However, the City does have grants to cover the cost of both of these addendums. Therefore, the City Council is being asked to receive and file this emergency purchase.

GFL REGULAR SERVICES COMMUNITY UPDATE

Representatives from GFL are scheduled to attend the regular City Council meeting of June 13, 2022 to update City Council and the Community on services.

REPORTS:

CONTRACT FOR ASSESSING SERVICES

Since July 2011, the City of Madison Heights has contracted with Oakland County Equalization to provide assessing services. However, the current 3-year agreement expires June 30, 2022, and Oakland County Equalization is proposing a renewal contract for a 1-year term.

This proposed renewal is essentially the same as the current contract except for a 4% per parcel increase. Oakland County Director of Management and Budget stated that the County provides assessing services to 32 communities and proposes a 4% cost per parcel increase to all entities.

The fiscal year 2023 budget was approved for \$204,021 for assessing services; the anticipated cost of the contract is \$212,776. Therefore a budget amendment of \$8,755 is also required and required a super majority of City Council.

Staff and I recommend that the City Council approve this proposed assessing services contract with Oakland County, from July 1, 2022, through June 30, 2023, and authorize the Mayor and City Clerk to sign on behalf of the City.

DPS DIRECTOR: 2022 OAKLAND COUNTY LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) COST PARTICIPATION AGREEMENT

For the past six years, the City has successfully participated in Oakland County's Local Road Improvement Program (LRIP), which is designed to assist local units of government with needed local road improvements. The program is based on a minimum 50% / 50% match between the City and Oakland County. Since the inception of this program, the City has received \$355,066 in County grant funding over this period.

Oakland County has offered the program again for 2022, and we have been awarded the maximum grant amount of \$81,493 for sectional concrete repairs to Mandoline Avenue offsetting a total project cost of \$140,000.

Staff recommends that City Council approve the Cost Participation Agreement for the 2022 LRIP program, and authorize the Mayor to electronically sign on behalf of the City.

DPS DIRECTOR: COUNCIL APPROVAL OF THE 2022 FESTIVAL IN THE PARK FIREWORKS DISPLAY PERMIT

At the regular meeting of April 25, Council approved the permit for the 2022 Fireworks Display, and authorized the Mayor to sign on the City's behalf. Since that time, we have been informed by our vendor, Great Lakes Fireworks, that due to supply chain issues, they cannot guarantee that they will be able to provide our fireworks display on the evening of the Festival.

Upon receiving this information, Recreation Coordinator Brooke Heisler immediately began reaching out to other potential vendors, specifically describing our needs and expectations. Through an exhaustive process, it was determined that Pyrotecnico Fireworks would be able and willing to provide a high-quality show for the same budgeted amount. Pyrotecnico is a leader in the industry, with a diverse and impressive company portfolio.

As previously noted, the permit application process for a commercial or public fireworks display in the state of Michigan requires approval by the legislative body, in this case, the City Council. Staff and I therefore recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

PURCHASES:**PURCHASE OF POLICE PATROL VEHICLES**

The approved FY 2023 Budget includes the scheduled replacement of two standard police patrol vehicles. Vehicles have been extremely difficult to come by in recent months, due to the widely publicized supply chain and microchip shortages. This situation is expected to continue, possibly even worsen into calendar year 2023. We were informed by our government sales representative with Chrysler that he would be taking delivery of a very limited number of Dodge Durango pursuit vehicles as his 2023 model year allocation at the end of June.

Staff recommends that Council award the purchase of two Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$78,110, under the Oakland County Cooperative Purchasing bid. Funds are budgeted and available.

ORDINANCES:**ORDINANCE NO. 2181 - MARIHUANA LICENSE SCORING AMENDMENT**

At the request of the City Council, legal counsel has amended the medical marihuana license ordinance to allow for staff to move forward with selecting an applicant for the city's one (1) remaining medical/adult-use co-located facility license. Pursuant to section 7-406(b) of the City's Code of Ordinance, City Council may adopt a resolution to establish selection periods for accepting new applications for combined and co-located medical marihuana facilities and adult-use marihuana establishments where such licenses are available to be issued. At the council's direction, city staff is working to initiate a new application period for the remaining license for a combined and co-located medical marihuana and adult-use marihuana facility. According to section 7-408 of article xvii marihuana establishments, the scoring and selection of such a facility shall be determined by the criteria provided in article xvi medical marihuana facilities section 7-308 (scoring and selecting applicants). This allows the selection process for a medical marihuana facility to be the same and combined with that of an adult-use license. The scoring for these applications to be valid must be followed as provided for under ordinance section 7-308 during the upcoming selection process.

Based on lessons learned during the initial marihuana licensing applications, the staff recommends adjustments to the original scoring to improve the selection process. Accordingly, section 7-308 must be amended to incorporate such adjustments legally to make these scoring alterations.

Based upon the approval of this amendment to section 7-308 and a resolution authorizing a new application period, the city can begin accepting and evaluating submissions for the last remaining provisioning/processing center medical marihuana/adult-use marihuana license.

ORDINANCE NO. 2183 PROPERTY MAINTENANCE CODE 2021 – FIRST READING

The ICC Property Maintenance Code is the Code followed to inspect and maintain all our existing structures and property in the City.

Legal Counsel has reviewed the Ordinance and recommends the amendment to adopt the ICC Property Maintenance Code, 2021 Edition, on the first reading, with the second reading scheduled for June 27, 2022.

ORDINANCE NO. 2186 2021 INTERNATIONAL FIRE CODE – FIRST READING

The City's Code of Ordinances incorporates by reference the International Fire Code for establishing the standards for regulating and governing the safeguarding of life and property from fire and explosive hazards. The International Fire Code is routinely updated every few years and this amendment updates referencing to the most recently published standards.

Legal Counsel has reviewed the Ordinance and recommends City Council adopted by reference Ordinance 2186, 2021 edition of the International Fire Code, on first reading by number and title only, with second reading scheduled for June 27, 2022.

ORDINANCE NO. 2184 – REZONING REQUEST PRZN 22-01 – REZONE 30151, 30171, and 30183 DEQUINDRE ROAD FROM R-3, SINGLE-FAMILY RESIDENTIAL TO RM, MULTIPLE FAMILY RESIDENTIAL.

The applicant, Hudson Madison II LLC, requested to rezone three (3) parcels of land at 30151, 30171 and 30183 Dequindre Road from R-3 Single-Family Residential to R-M Multiple Family Residential.

The three subject properties contain 2.86 acres and are improved with single-family detached homes and their accessory structures. The applicant requests a rezoning to R-M to construct a senior living, assisted living and memory care facility on-site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. Therefore, this rezoning does not constitute special use or site plan approval.

At their May 17, 2022 meeting, the Planning Commission recommended approval of the requested rezoning. Based on the Planning Commission's findings and recommendation, the staff recommends that the City Council adopt Ordinance #2184 upon first reading and schedule the required public hearing for the July 11, 2022 City Council meeting.

ORDINANCE NO. 2185 – REZONING REQUEST PRZN 22-02 – REZONE REQUEST
PRZN 22-02 – REZONE 29022 STEPHENSON HIGHWAY FROM M-1, LIGHT
INDUSTRIAL, TO B-3, GENERAL BUSINESS.

The applicant, EWM- Miller Wash, LLC, requests to rezone three (3) parcels of land at 29022 Stephenson Highway from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E-. 12 Mile Road, immediately to the west of the I-75 interchanges.

The subject site consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 square feet commercial structure currently occupied by Col's Place restaurant. The applicant request a rezoning to B-3 in order to construct an auto care wash facility, which is permitted as a special use within the B-3 district. This rezoning does not constitute special use or site plan approval.

At their May 17, 2022 meeting, the Planning Commission recommended approval of the requested rezoning. Based on the Planning Commission's findings and recommendation, staff recommends that the City Council adopt Ordinance #2185 upon first reading and schedule the required public hearing for the July 11, 2022 City Council meeting.

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

SUBMITTED TO: Melissa Marsh, City Manager

SUBMITTED BY: Giles Tucker, CED Director DATE: 06/02/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Special approval request PSP 22-05 - Lutfi Alrishood d/b/a 'Dino Land' - 32109 John R Road - Indoor Recreation. B-3, General Business District.

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

The applicant, Lutfi Alrishood, requests special use approval to operate an indoor children's recreation business within an existing commercial retail center. The subject property is located at 32109 John R Road (PIN 44-25-02-226-030), and is zoned B-3, General Business. The property is commonly known as 'Madison Place' shopping center. The applicant does not propose site modifications as part of this special approval request.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|----------|---------------------|-------|
| No Impact | <u>✓</u> | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | Budget Amount | _____ |
| Second Account Number | _____ | Revenue Generated | _____ |
| Amount Available in 2 nd Acct. | _____ | | |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Giles Tucker, CED Director DATE 06/02/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE _____



MEMORANDUM

Date: June 2nd, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Special Approval Request PSP 22-05 – 32109 John R Rd. – Indoor Recreation

Introduction

The applicant, Lutfi Alrishood, requests special use approval to operate an indoor children’s recreation business within an existing commercial retail center. The subject property is located at 32109 John R Road (PIN 44-25-02-226-030), and is zoned B-3, General Business. The property is commonly known as ‘Madison Place’ shopping center. The applicant does not propose site modifications as part of this special approval request.

Background and Analysis

The applicant proposes to operate an indoor children’s playground and café known as ‘Dino Land’ within a vacant retail space at the Madison Place shopping center. The vacant retail space is approximately 9,600 square feet. Per the project description, the business will provide an indoor playground for children, four private birthday party rooms, and a café.

Per Section **10.326**, ‘*video arcade businesses and indoor and/or outdoor recreational businesses*’ are permitted as a special use within the B-3 zoning district.

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

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

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

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

Existing Zoning and Land Use

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

| | Existing Land Use | Existing Zoning |
|-------------------------------------|--------------------------|-------------------------------|
| Site | Retail/Commercial | M-2, Heavy Industrial |
| North | Retail/Commercial | M-2, Heavy Industrial |
| South | Retail/Commercial | M-2, Heavy Industrial |
| East (across John R Rd.) | Retail/Commercial | M-2, Heavy Industrial |
| West (across Barrington St.) | Multi-Family Residential | R-M, Multi-Family Residential |

32109 John R Road is located within the Madison Place shopping center. With the exception of the Lexington Place apartments to the west, the site is surrounded by commercial and retail zoning/uses.

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

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 | Mixed Use Innovation |
| North | Commercial |
| South | Mixed Use Innovation |
| East (across John R Rd.) | Commercial |
| West (across Barrington St.) | Multiple Family Residential |

The future land use designation of the subject site is ‘Mixed Use Innovation.’ Per the Master Plan, Mixed Use Innovation is a new land use designation that is intended to, “encompass existing areas within the city that are changing from older industrial and commercial uses to newer uses [...]. This designation encourages a mix of office, service, commercial, and light industrial uses.” The Master Plan further calls

out the Madison Place shopping center as an area where the City should encourage flexibility of uses and encourage reinvestment.

Site Plan Review Committee

The Site Plan Review Committee (SPRC) reviewed the special use application at their May 25th, 2022 meeting. The SPRC did not cite any concerns with the proposed use.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval to operate an indoor children's recreation business within an existing commercial retail center at 32109 John R Road.
2. The subject property is zoned B-3, General Business, and is improved with the Madison Place shopping Center.
3. The proposed use is consistent and compatible with adjacent commercial/retail uses and adjacent zoning.
4. The proposed use is consistent and compatible with the Mixed Use Innovation future land use designation as envisioned within the Master Plan.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).

Based on these findings, staff recommends that the City Council **approve** the requested special use application for an *indoor recreational* use at 32109 John R Road.

Next Step

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

Pertinent Zoning Ordinance Sections

Section 10.201 – 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 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.
- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
 4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.
- (I) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

Sec. 10.326– B-3 – Uses permissible on special approval

[...]

- (12) Video arcade businesses and indoor and/or outdoor recreational businesses.

[...]

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **June 13th, 2022 at 7:30 p.m. in the Training Room at Fire Station #1 located at 31313 Brush Street, Madison Heights, Michigan 48071** to consider the following special approval request:

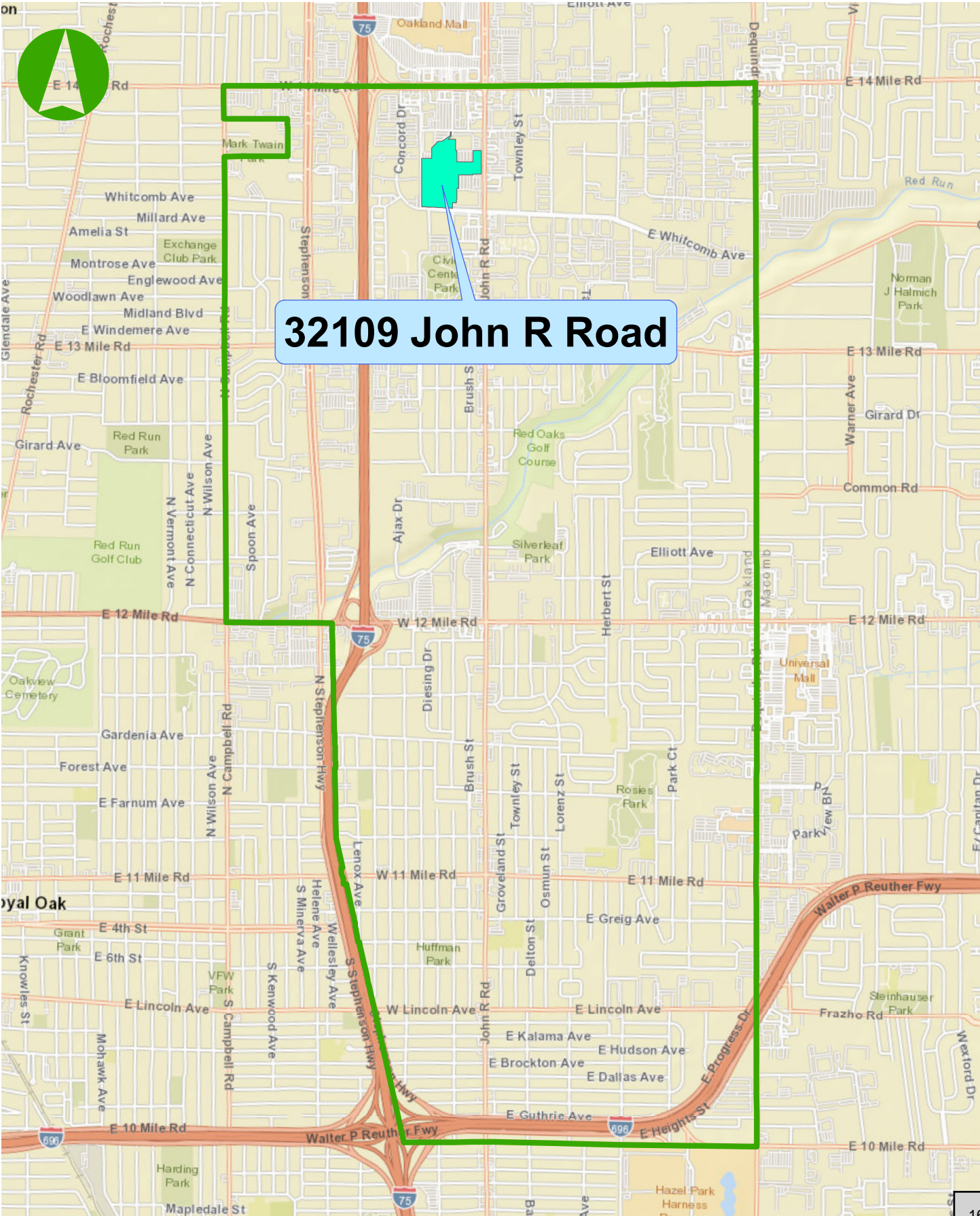
Case # PSP 22-05

The applicant, Lutfi Alrishood, requests Special Approval from City Council under Section 10.326 of the Madison Heights Zoning Ordinance for an indoor recreation business (children's indoor playground) at 32109 John R Road, PIN 44-25-02-226-030. 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



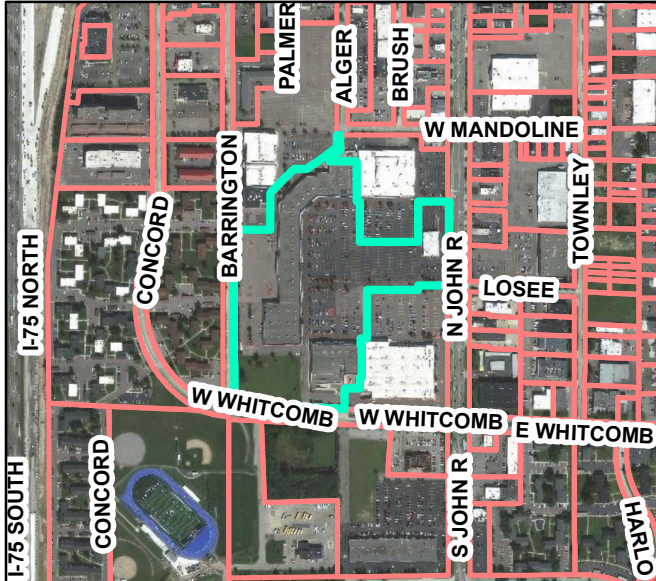
Site Address: 32109 John R Road

Item 2.

Click for maps

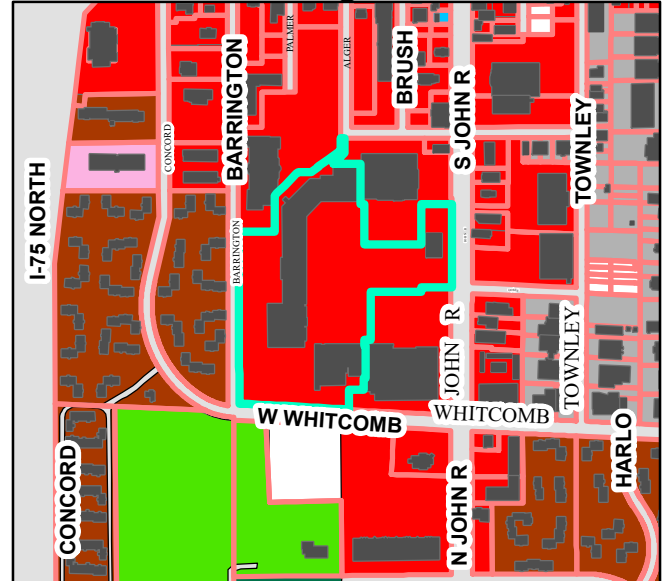


Aerial



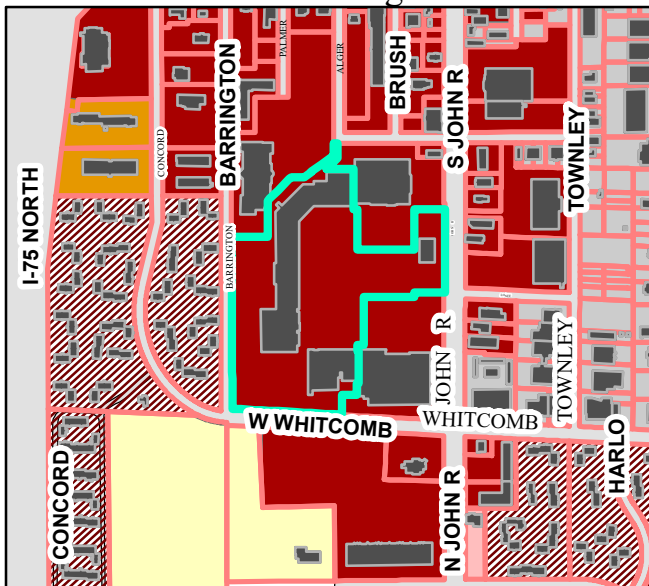
- 32109 John R Road
- Parcels

Existing Land Use



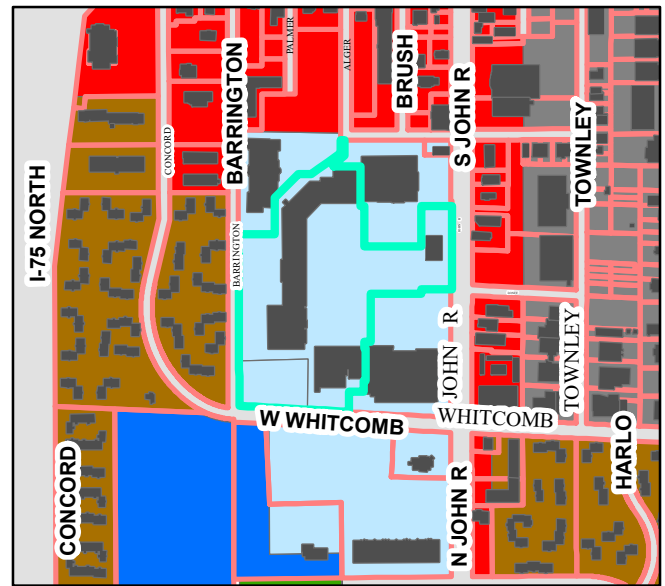
- 32109 John R Road
- Multi Family
- Buildings
- Office
- Parcels
- Commercial
- Vacant
- Industrial
- School

Zoning



- 32109 John R Road
- B-3 General Business
- Buildings
- H-R High Rise
- Parcels
- M-1 Light Industrial
- Single Family
- R-M Multi Family

Future Land Use



- 32109 John R Road
- Industrial
- Single Family
- Public and Schools
- Multiple Family
- Recreation
- Office
- Conservation
- Mixed Use Innovation
- Commercial





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

Item 2.

FOR OFFICE USE ONLY

Request PSP22-005 No:
Date 5/18/22 Filed:
Approved by CDD:
Approved for Hearing: _____

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

(Application must be typed)

Building Address: 32109 John R Rd Madison Heights MI, 48071 Tax ID No.: 44 - 25 - 02-227-020

APPLICANT INFORMATION

Name: Lutfi Alrishood

Phone No.: 313-655-8887 Fax No.: N/A

Mailing Address: 1130 N Gulley Rd City, State, Zip: Dearborn, MI, 48128

(Notices will be mailed to this address)

Driver's License No.: A462560020394 Date of Birth: 05/25/1962

Interest in Property: Indoor playground and cafe business

BUILDING & BUSINESS INFORMATION

Zoning District: B-3 General Business Use Requested Pursuant to Section 10.201 of the Zoning Ordinance

Explain Requested Use in Detail: The use of the property in plaza for family owned business. An indoor playground with cafe. Playground applicable to children ages 0-12 years of age. 4 private rooms for birthday parties. The food served will be mostly finger food (Pizza, chicken tenders, fries, pretzels, mozzarella sticks, ect.). The purpose of the project is to give kids a place to run and play when the weather outside is not agreeable. The hope is to give parents a healthier option to arcades and virtual reality.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) parcel of plaza

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of W Mandoline Ave Street/Road between John R Rd Street/Road and Barrington St Street / Road.

Hours of Operation: 10am-8pm

Property Frontage: 80 ft Width/Depth: 120 ft No. of Parking Spaces: N/A Private Lot Shared Lot

No. of Floors: 1 Max. No. of Employees: 12 Male N/A Female N/A No. on Largest Single Shift: 8

No. of Seats for Restaurant or Assembly Uses: About 120 Capacity of Waiting Area: About 20 costumers

Building: New No or Existing Yes Will Additions or Alterations to the Building be Required? Yes

Explain: The building is an empty box essentially. We will add partitions for the party rooms and remove the drop ceiling and paint the exposed true ceiling

Describe Any Other Site Improvements to be Made: The site will also have a large indoor playground. The playground will have about 4000 square feet of activities for kids to enjoy. The entire playground is padded so its much safer than outside playgrounds.

Building Owner Name: Maplelawn LLC Phone No.: 248-649-2924 Fax No.:

Mailing Address: 1334 Maplelawn Dr City: Troy Zip: 48084
(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: MADISON MARLELL

Signature [Signature]

Printed STUART FRANKEL Name

Date _____

FOR THE APPLICANT IF NOT THE OWNER:

Signature [Signature]

Printed Lutfi Alrished Name

Date 05/18/2022

NOTARY:

On this 18th day of MAY 2022

Before me personally appeared
STUART FRANKEL 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 Deborah Ann Roe

Notary's
Printed Name DEBORAH ANN ROE

Notary public, State of Michigan,

County of OAKLAND

My commission expires 12/28/2025

Acting in the County of OAKLAND

NOTARY:

On this 18th day of MAY 2022

Before me personally appeared
LUTFI ALRISHED 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 Deborah Ann Roe

Notary's
Printed Name DEBORAH ANN ROE

Notary public, State of Michigan,

County of OAKLAND

My commission expires 12/28/2025

Acting in the County of OAKLAND

OFFICE USE ONLY

\$750.00 Fee Paid ☒ Receipt Number _____ By AD Date: 5/18/22

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

Site Plan Application: _____ Date: _____

Copies to C.D.D. _____

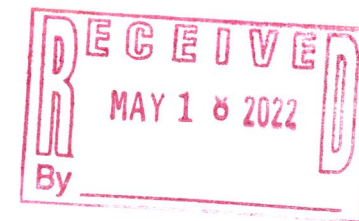
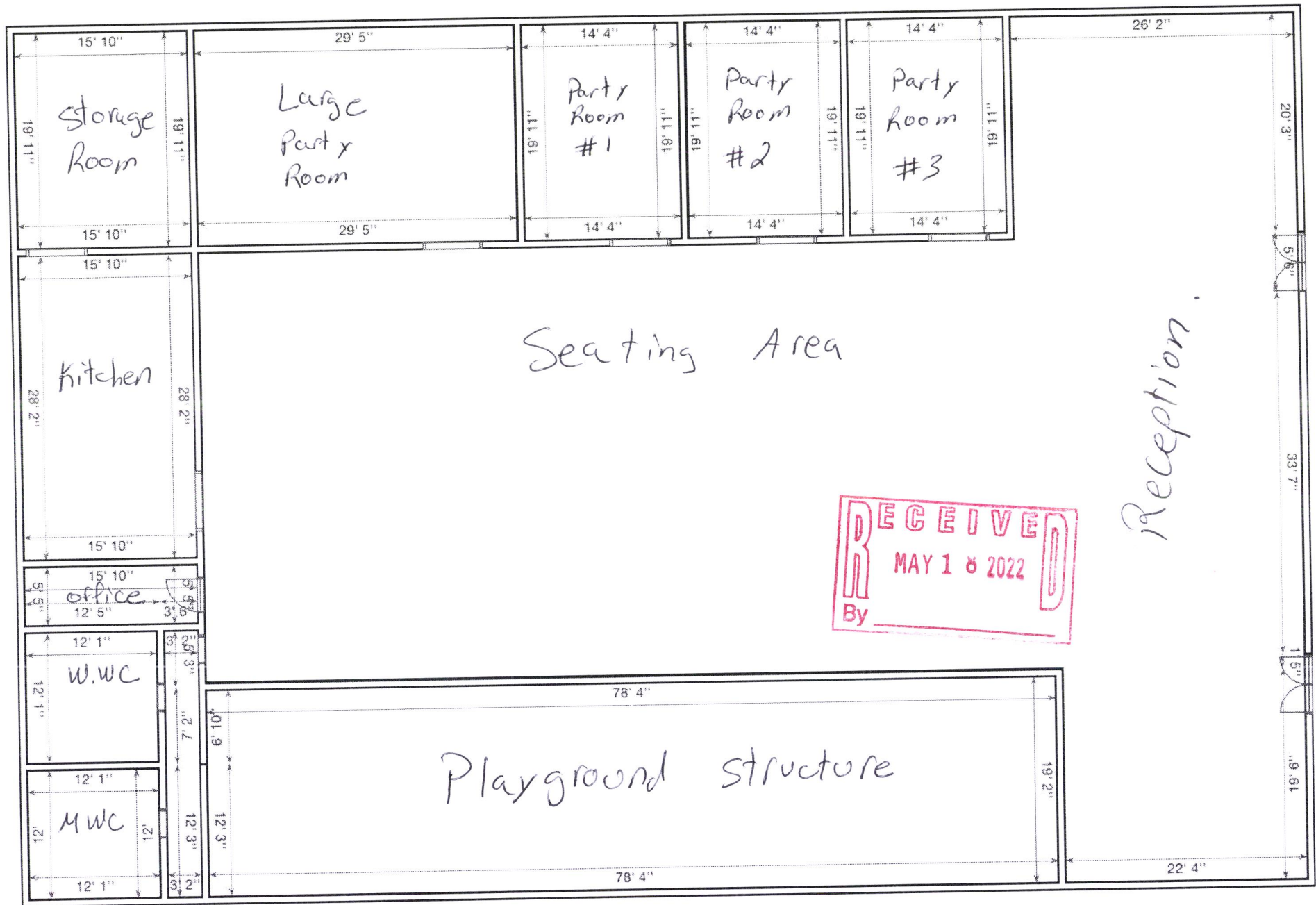
Notices Mailed to Properties Within 500 Feet _____

Council Action _____

Meeting Date _____

Dino Land LLC Madison Hts.

Item 2.





Item 2.



Item 2.

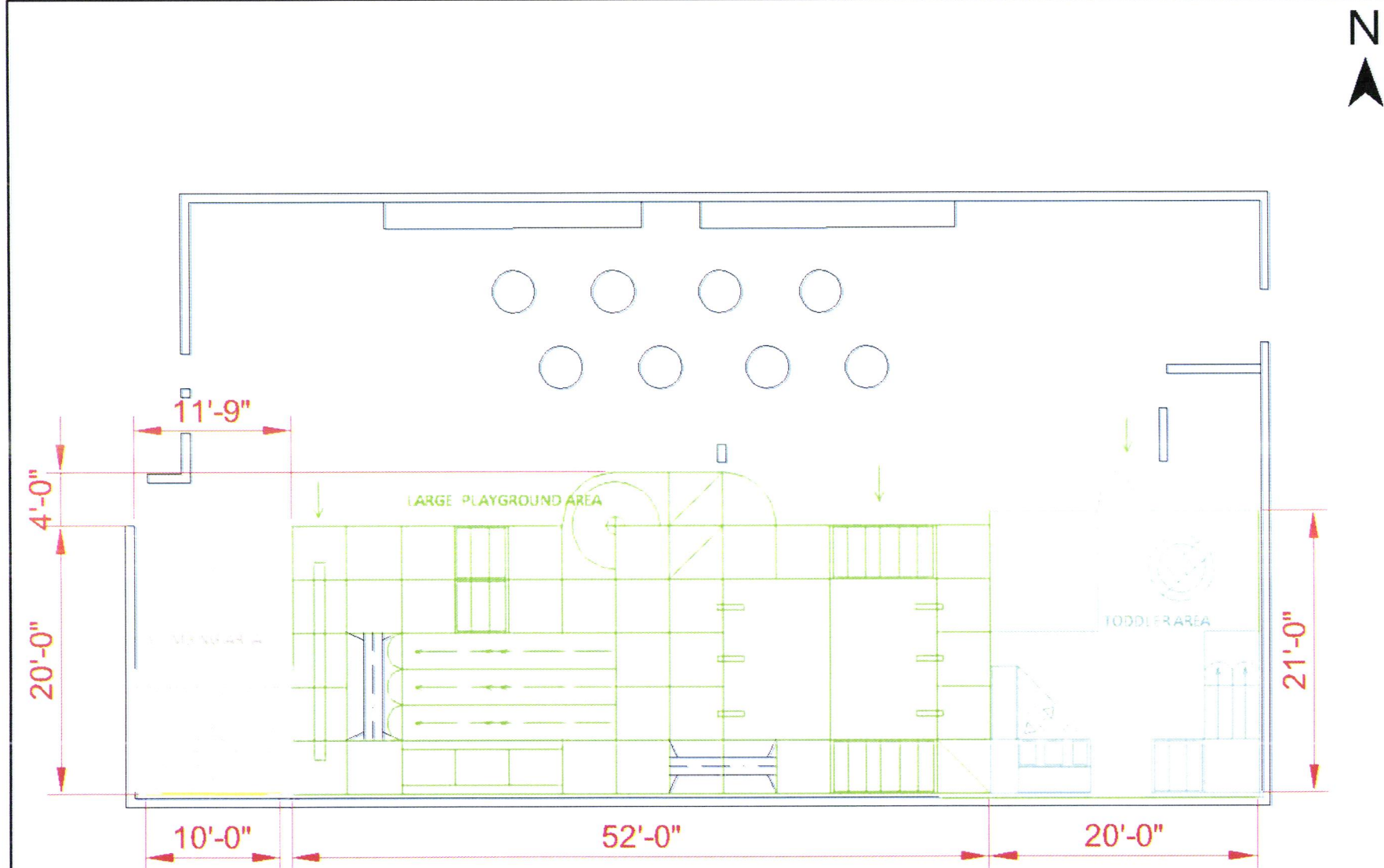












Location Plan

| | |
|---------|------|
| Project | DINO |
| No | 2 |

Site plan

[illegible]



Top view

| | | | |
|-------------------|---------|--|--|
| Project Name | DINO | | |
| Client | [Blank] | | |
| Location | [Blank] | | |
| Area | [Blank] | | |
| Project Manager | [Blank] | | |
| Architect | [Blank] | | |
| Engineer | [Blank] | | |
| Contractor | [Blank] | | |
| Manufacturer | [Blank] | | |
| Installation Date | [Blank] | | |
| Warranty | [Blank] | | |



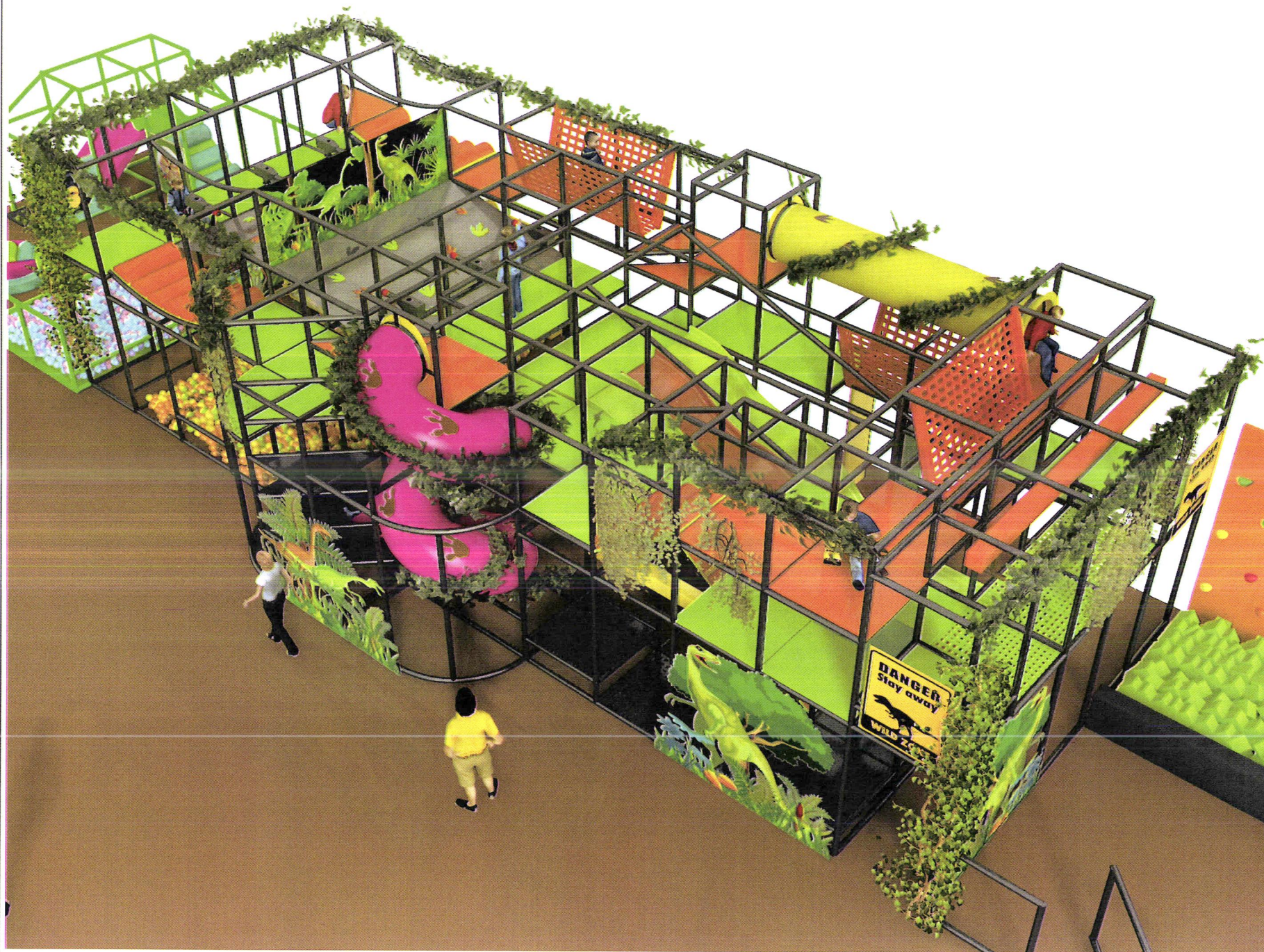
South west
view

| Project Name | | DINO | |
|------------------|------------------|------------------|------------------|
| Project No. | 2023/01/12 | Project No. | 2023/01/12 |
| Project Name | Project Name | Project Name | Project Name |
| Project Location | Project Location | Project Location | Project Location |
| Project Status | Project Status | Project Status | Project Status |
| Project Budget | Project Budget | Project Budget | Project Budget |
| Project Manager | Project Manager | Project Manager | Project Manager |
| Project Team | Project Team | Project Team | Project Team |
| Project Date | Project Date | Project Date | Project Date |
| Project Version | Project Version | Project Version | Project Version |
| Project Author | Project Author | Project Author | Project Author |
| Project Reviewer | Project Reviewer | Project Reviewer | Project Reviewer |
| Project Approver | Project Approver | Project Approver | Project Approver |
| Project Sign-off | Project Sign-off | Project Sign-off | Project Sign-off |
| Project Notes | Project Notes | Project Notes | Project Notes |



Front view

| | | | | | |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------|------------------|----------------------|
| Project Name | DINO | Project No. | 2024-01-01 | Project Date | 2024-01-01 |
| Client Name | City of Austin | Client Address | 1234 Main St | Client City | Austin, TX |
| Client Phone | (512) 555-1234 | Client Email | info@cityofaustin.gov | Client Website | www.cityofaustin.gov |
| Project Manager | John Doe | Project Engineer | Jane Smith | Project Designer | Mike Johnson |
| Project Status | In Progress | Project Budget | \$1,200,000 | Project Cost | \$1,150,000 |
| Project Start | 2024-01-01 | Project End | 2024-06-30 | Project Duration | 180 Days |
| Project Location | City of Austin | Project Site | 1234 Main St | Project Area | 10,000 sq ft |
| Project Notes | This project is for the construction of a new playground structure for the City of Austin. The structure is located at 1234 Main St and is expected to be completed by June 30, 2024. | | | | |



South east view

| Project Name | | DINO | | Project # | |
|--------------|---------|---------|-----------|-----------|----|
| Category | Theme | Lat 572 | Long 1000 | Project # | 35 |
| Date | Season | | | | |
| Drawn | Painted | | | | |



South west
view

Project Name: DINO
Project Location: [Blank]
Project Start Date: [Blank]
Project End Date: [Blank]

Project Description: [Blank]
Project Status: [Blank]
Project Manager: [Blank]
Project Sponsor: [Blank]
Project Stakeholders: [Blank]

| Item | Quantity | Unit | Price | Total |
|------|----------|------|-------|-------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| Project Name | DINO |
|----------------------|------------|
| Project Location | [Blank] |
| Project Start Date | 2023/07/01 |
| Project End Date | 2023/07/31 |
| Project Manager | [Blank] |
| Project Sponsor | [Blank] |
| Project Stakeholders | [Blank] |

| Project Name | DINO |
|----------------------|------------|
| Project Location | [Blank] |
| Project Start Date | 2023/07/01 |
| Project End Date | 2023/07/31 |
| Project Manager | [Blank] |
| Project Sponsor | [Blank] |
| Project Stakeholders | [Blank] |

| Project Name | DINO |
|----------------------|------------|
| Project Location | [Blank] |
| Project Start Date | 2023/07/01 |
| Project End Date | 2023/07/31 |
| Project Manager | [Blank] |
| Project Sponsor | [Blank] |
| Project Stakeholders | [Blank] |



North west
view

| | | | |
|--------------|-------------|-------------|-----------------|
| Project Name | | DINO | |
| Location | Project No. | Client | Project Manager |
| Date | Design No. | Project No. | Project Manager |
| Drawn by | Project No. | Project No. | Project Manager |
| Project No. | Project No. | Project No. | Project Manager |

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

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Melissa R. Marsh, City Manager DATE: 05/26/2022

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Emergency Purchase - Change Order #1 and #2 - Adams Demolition for 901 and 945/959 E. Ten Mile

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Section 2-255. Emergency Purchase - Subject to the restrictions of the Charter, in the event of any emergency any department or division thereof may purchase directly any supplies, materials, services or equipment the immediate procurement of which is essential to the continuance of the work of the department, provided written notice of such emergency purchase is forwarded to the purchasing officer with a full explanation of the circumstances of the emergency, which shall be filed by the purchasing officer as a permanent and public record together with his assent to such purchase.

FINANCIAL IMPACT

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------------------|-------|
| No Impact | _____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | 0 | Budget Amount | _____ |
| Second Account Number | _____ | Revenue Generated | _____ |
| Amount Available in 2 nd Acct. | _____ | | |
| Other Comments Grant funding from the State of Michigan and Oakland County for \$750,000 is available to cover both amendments for a total estimated increase of \$117,696 | | | |

REVIEW CHECKLIST

DEPARTMENT Melissa R. Marsh, City Manager DATE 05/26/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 05/26/22

Date: May 26, 2022

From: Melissa R. Marsh, City Manager

To: Honorable Mayor and City Council

Re: Demolition Contract for 901 and 945/959 East Ten Mile Road – Addendum #1 and #2

On February 28, 2022, City Council approved the contract with The Adams Group Demolition to demolish 901 and 945/959 East Ten Mile Road building structures for \$412,154. Once this work started, several new situations developed that have required change orders. These change orders with the estimated cost are described below:

901 East Ten Mile – This building has been demolished with the contractor's requirement to provide and place stone on the site. A hydraulic tank was located on-site during this process, requiring additional removal and backfill. Upon City inspection, it was requested that the site be restored to the curb with six inches of limestone backfilling the site. The broken asphalt was removed at an additional estimated cost not to exceed \$27,396, with actual quantities invoiced per haul tickets.

| | Qty | Description | Unit Price | Extended Price |
|--------------------|----------------------|----------------------------------------------|--------------------|-----------------|
| Original | 300 Ton | Provide and Place MDOT 21AA Crushed Concrete | \$44.68/ton | \$13,404 |
| Addendum #1 | 850 Ton (est) | Provide and Place MDOT 21AA Limestone | \$48.00/ton | \$40,800 |

945/959 East Ten Mile - In the pre-bid process, it was thought that approximately 20% of the building could be disposed of as non-hazardous; however, through pre-demolition testing, it has been discovered that any waste material coming out of the 945/959 E 10 Mile building will need to be treated as hazardous waste with additional waste codes. This has required an updated waste profile in terms of quantity and make-up of possible contaminants. In addition, hazardous waste disposal cost has increased due to fuel costs. Based on the quantities provided in the initial bidding process, this would increase the overall cost of waste disposal to an additional cost estimate of \$90,300, with the actual cost to be billed based on tonnages disposed of as verified with load tickets.

| | Qty | Description | Unit Price | Extended Price |
|--------------------|----------------------|----------------------------------------------------------------------------------------------------------|------------------|------------------|
| Original | 400 Ton | 945 E. Ten Mile Rd: Staging, Transportation, send Disposal of Hazardous Building Demolition debris | \$233/ton | \$93,200 |
| Addendum #2 | 500 Ton (est) | 945 E. Ten Mile Rd: Staging, Transportation, and Disposal of Hazardous Building Demolition debris | \$367/ton | \$183,500 |

The City of Madison Heights does have grants to cover the cost of both of these addendums. However, due to this project's timing and regional importance, I have worked with EGLE and their consultant Wood Consulting to review and verify these addendums before authorizing them under emergency purchasing authority to keep the project moving.

WHEREAS, City Council extended resolution CM-20-145 from October 31, 2020 to December 31, 2021 with resolution CM-20-276 at the City Council meeting of September 28, 2020;

WHEREAS, State of Michigan COVID-19 epidemic orders were lifted on June 22, 2021 including restrictions that limited seating capacity and face mask requirements;

WHEREAS On October 25, 2021 the City Council adopted Ordinance 2170, Zoning Text Amendment 21-06 which provided standards for outdoor entertainment, enclosures and shade structures and provided flexibility in parking requirements for restaurants adding permanent outdoor seating;

WHEREAS the City of Madison Heights ordinances allows for outdoor seating on a temporary basis through a seasonal business license and on a permanent basis upon site plan approval;

NOW THEREFORE BE IT RESOLVED THAT, all of the sections of Council Resolution CM-20-276 remain in effect until Monday May 2, 2022 where all of the sections and authority granted within this resolution shall be terminated.

Yeas: Bliss, Corbett, Fleming, Rohrbach, Soltis, Grafstein
 Nays: None
 Absent: Wright
 Motion Carried.

CM-22-56. Demolition Contract for 901 and 945/959 East Ten Mile Road.

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to approve a contract with The Adams Group Demolition out of Rochester Hills to demolish 901 and 945/959 East Ten Mile Road building structures in the amount of \$412,154.

Yeas: Bliss, Corbett, Fleming, Rohrbach, Soltis, Grafstein
 Nays: None
 Absent: Wright
 Motion Carried.

CM-22-57. Zoning Ordinance Rewrite – Professional Services Agreement.

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to approve an agreement with McKenna for professional services to assist Madison Heights with a zoning ordinance rewrite for an amount not to exceed \$55,000 subject to

SCHEDULE

Base RFP Pricing Schedule - The Bidder will complete the Work and accept as full payment, for the Work items listed, the following Unit

Prices and/or Item Bid Prices, as applicable:

| Base RFP Item No. | RFP Quantity | | Description (Bidder to write price in Words) | Unit Price | Item RFP Extended Price |
|------------------------------------------------------------------------------|-----------------|-------------|---------------------------------------------------------------------------------------------------------------|---------------|----------------------------|
| 1. | 1 | Lump Sum | Submittals | 500 | 500 |
| 2. | 1 | Lump Sum | Mobilization | 15,000 | 15,000 |
| 3. | 1 | Lump Sum | Temporary Chain Link Privacy Fencing | 22,250 | 22,250 |
| 4. | 1 | Lump Sum | 945 E. Ten Mile Road: Asbestos Abatement, Removal, and Disposal – White Window Caulk | 5,200 | 5,200 |
| 5. | 1 | Lump Sum | 945 E. Ten Mile Road: Asbestos Abatement, Removal, and Disposal – Lined Concrete Floor | 7,500 | 7,500 |
| 6. | 1 | Lump Sum | 945 E. Ten Mile Road: Asbestos Abatement, Removal, and Disposal – Remaining ACMS | 10,000 | 10,000 |
| 7. | 1 | Lump Sum | 945 E. Ten Mile Road: Universal Waste Pre- Demolition Removal, Transportation, and Disposal | 7,500 | 7,500 |
| 8. | 1 | Lump Sum | 945 E. Ten Mile Road: Building Demolition | 31,800 | 31,800 |
| 9. | 100 | Ton | 945 E. Ten Mile Road: Staging, Transportation, and Disposal of Non-Hazardous Building Demolition Debris | \$50/ton | 5,000 |
| 10. | 400 | Ton | 945 E. Ten Mile Road: Staging, Transportation, and Disposal of Hazardous Building Demolition Debris | \$233/ton | 93,200 |
| 11. | 200 | Ton | 945 E. Ten Mile Road: Recovered Steel Recycling | \$0/ton | \$0 |
| 12. | 1 | Lump Sum | Power Wash Basement of 945 E. Ten Mile Road | 1,000 | 1,000 |
| 13. | 430 | Ton | Provide and Place 1.5' Washed Gravel in Basement | \$57.07/ton | 24,540 |
| 14. | 10,000 | Square Feet | Provide and Place 20 mil HDPE Liner | \$1.88/sqft | 18,760 |
| 15. | 1,550 | Ton | Provide and Place MDOT Class II Sand Backfill | \$30/ton | 46,500 |
| 16. | 300 | Ton | Provide and Place MDOT 21AA Dense Graded Aggregate | \$44.68/ton | 13,404 |
| 17. | 1 | Lump Sum | 945 E. Ten Mile Road: Site Restoration | 5,000 | 5,000 |
| 18. | 1 | Lump Sum | 901 E. Ten Mile Road: Building Demolition | 10,000 | 10,000 |
| 19. | 800 | Ton | 901 E. Ten Mile Road: Staging, Transportation, and Disposal of Non-Hazardous Building Demolition Debris | \$50/ton | \$40,000 |
| 20. | 175 | Ton | 901 E. Ten Mile Road: Recovered Steel Recycling | \$0/ton | \$0 |
| 21. | 1 | Lump Sum | 901 E. Ten Mile Road: Site Restoration | 10,000 | 5,000 |
| 22. | 1 | Allowance | Provisionary Allowance | \$50,000 | \$50,000 |
| | | | | | |
| TOTAL (This amount should equal the Base RFP amount on the RFP Summary Form) | | | | | \$ 412,154 |

Base RFP Pricing (Sum of Item RFP Extended Prices for all Base RFP Items):

Four hundred twenty nine thousand nine hundred four

(use words)

Dollars \$ 412,154

(in figures)

Melissa Marsh

Subject: FW: Haz Disposal
Attachments: Revised Quote.pdf

Attached you will find the original pricing provided, as well as the revised quote received last week.

| Waste Treatment & Disposal | Unit | Minimum Invoice Qty | Estimated Qty | Base Price | 13% EIR | EGLE Surcharge | WDICHF | Sub-Total | Extension |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|---------------------|---------------|------------|----------------------|----------------|--------|------------|------------|
| RCRA D004 -D008 Debris amenable to std treatment group. | Ton | 40 | 1 | \$162.00 | \$21.06 | \$10.00 | \$1.88 | \$194.94 | \$194.94 |
| EPA Electronic Manifest Filing | Each | 1 | 1 | \$20.00 | \$0.00 | \$0.00 | \$0.00 | \$20.00 | \$20.00 |
| Waste Transportation | Unit | Minimum Invoice Qty | Estimated Qty | Base Price | Fuel Surcharge (28%) | Liners | MISC. | Sub-Total | Extension |
| Tractor / Operator / Gravel Train (USE MI, Belleville MI) | Trip | 1 | 1 | \$1,040.00 | \$291.20 | \$72.00 | \$0.00 | \$1,403.20 | \$1,403.20 |
| Tractor / Operator / Gravel Train (USE Ecology Detroit South, Detroit MI) | Trip | 1 | 1 | \$891.00 | \$249.48 | \$72.00 | \$0.00 | \$1,212.48 | \$1,212.48 |
| Truck Ordered & Not Used | Each | 1 | 1 | \$891.00 | \$0.00 | \$0.00 | \$0.00 | \$891.00 | \$0.00 |
| There is one free hour for loading and two free hours unloading included in the disposal transportation rate. A demurrage charge of \$110.00 per hour will apply thereafter. Spot Fee includes 1 free hour to spot roll off container on generator site. | | | | | | | | | |
| A fuel surcharge of 28% is in effect. This surcharge is subject to change weekly and <u>included</u> in rate listed above. This rate is subject to adjustment at time of shipment based on DOE Index. | | | | | | | | | |
| All overweight tickets and fines will be responsibility of USE client whether by axle or GVW. Additionally, client will pay for damages to transportation equipment resulting from improper loading. | | | | | | | | | |

On May 19, 2022, at 10:07 AM, Melissa Marsh <MelissaMarsh@madison-heights.org> wrote:

Adam,

We have reviewed this first proposed contract price amendment. In order to evaluate this, can you please send me the original quote from US Ecology and the revised quote used to formulate the proposal and the revision?

Also, the City has granted oversight authority to AMEC/Wood Consulting for this project. Please send or copy them on any manifest you will be sending to the City.

Thank you
 Melissa

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

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Corey Almas, Dept of Public Services Director DATE: 06/06/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Representatives from GFL are scheduled to give a regular services update to City Council.

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Representatives from GFL are scheduled to give a regular services update to City Council.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------|---------------------|-------|
| No Impact | _____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | 0 | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Melissa R. Marsh, City Manager DATE 06/06/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R.Marsh, City Manager DATE 06/06/22

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

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: Linda A. Kunath, Finance Director/Treasurer DATE: 06/01/2022

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Contract for Assessing Services

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

See attached. Staff is requesting City Council approval of a 1-year assessing services contract with Oakland County for July 1, 2022 to June 30, 2023 in the amount of \$212,776. A Budget Amendment will be required in fiscal year 2023 in the amount of \$8,755.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|------------------------------------------------------------------------------------------|---------------------|------------------|
| No Impact | _____✓_____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____General_____ | Department Name | _____ |
| Appropriated in Acct. No. | _____101-257-818-0000_____ | Budget Amount | _____212776_____ |
| Amount Available in Acct. | _____204021_____ | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | Budget Amendment in the amount of \$8,755 for fiscal year 2022-2023 budget is requested. | | |

REVIEW CHECKLIST

DEPARTMENT Linda A. Kunath, Finance Director/Treasurer DATE 06/01/2022

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 06/02/22



CITY OF MADISON HEIGHTS

300 WEST 13 MILE ROAD, MADISON HEIGHTS, MI 48071

FINANCE/TREASURER DEPARTMENT

Linda A. Kunath,
Finance Director/Treasurer

(248) 837-2639
LindaKunath@Madison-Heights.org

Item 5.

MEMORANDUM

DATE: June 1, 2022
TO: Melissa Marsh, City Manager
FROM: Linda A. Kunath, Finance Director/Treasurer
SUBJECT: Contract for Assessing Services

Since July, 2011, the City of Madison Heights has contracted with Oakland County Equalization to provide assessing services. The current 3-year agreement expires June 30, 2022 and Oakland County Equalization is proposing a renewal contract for a 1-year term.

Attached for your review and request for Council approval is the proposed July 1, 2022 to June 30, 2023 contract with Oakland County Equalization Department to continue providing these services. This proposed renewal is essentially the same as the current contract except for a 4% per parcel increase. Kyle Jen, Oakland County Director of Management and Budget, stated the County provides assessing services to 32 communities and is proposing a 4% cost per parcel increase to all entities.

The cost per parcel to the City of Madison Heights will increase as follows:

| Contract Year | Real Property Rate | Personal Property Rate |
|---------------------|--------------------|------------------------|
| 2021-2022 (current) | \$15.76 | \$13.19 |
| 2022-2023 | \$16.39 | \$13.72 |

The fiscal year 2022-2023 budget was approved in the amount of \$204,021, the anticipated cost of this proposal totals \$212,776. A Budget Amendment of \$8,755 is being requested for the next fiscal year budget.

City staff is recommending that Council approve this proposed assessing services contract with Oakland County, from July 1, 2022 through June 30, 2023, and authorize the Mayor and City Clerk to sign on behalf of the City.



OAKLAND COUNTY EXECUTIVE DAVID COULTER

Equalization Division

(248) 858-0740 | equal@oakgov.com

May 18, 2022

Cheryl E. Rottmann, City Clerk
 City of Madison Heights
 300 W. Thirteen Mile Rd.
 Madison Heights, MI 48071



RE: Renewal of Contract for Assessing Services with the City of Madison Heights

Dear Cheryl E. Rottmann:

The existing assessing contract between Oakland County Equalization and the City of Madison Heights will expire on June 30, 2022. In anticipation of a renewal of the contract, we have prepared four copies for your review and consideration by your City Officials.

In preparing the renewal document, our office has reproduced the provisions of the existing contract except for the following provision: the cost per parcel has been adjusted by a 4% increase; as referenced in the letter dated April 14, 2022, from Deputy County Executive Sean Carlson. In summary, the cost per parcel to the city will be as follows:

| Contract Year | Real Property Rate | Personal Property Rate |
|---------------|--------------------|------------------------|
| 2022-2023 | \$16.39 | \$13.72 |

These rates will be effective for the period July 1, 2022, to June 30, 2023. When the attached renewal contract is approved by your Governing Body and the authorized officials have affixed their signatures, kindly return four (4) copies to Oakland County Equalization Division.

Should you have any questions or concerns, please do not hesitate to reach out. You can contact Kimberly Hampton at 248-858-2039 or me at 248-221-0652.

Sincerely,

Kyle I. Jen
 Director of Management and Budget
 Oakland County

KIJ/kdh
 Enclosures

**CONTRACT FOR OAKLAND COUNTY
EQUALIZATION DIVISION ASSISTANCE SERVICES
WITH THE CITY OF MADISON HEIGHTS
(Real and Personal Property Services)**

This CONTRACT FOR OAKLAND COUNTY EQUALIZATION DIVISION ASSISTANCE SERVICES WITH THE CITY OF MADISON HEIGHTS (hereafter, this "Contract") is made and entered into between the COUNTY OF OAKLAND, a Michigan Constitutional and Municipal Corporation, whose address is 1200 North Telegraph Road, Pontiac, Michigan 48341 (hereafter, the "County"), and the CITY OF MADISON HEIGHTS, a Michigan Constitutional and Municipal Corporation whose address is 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 (hereafter, the "Municipality"). In this Contract, either the County and/or the Municipality may also be referred to individually as a "Party" or jointly as "Parties."

INTRODUCTORY STATEMENTS

- A. The Municipality, pursuant to State law, including, but not limited to, the Michigan General Property Tax Act (MCL 211.1, et seq.) is required to perform real and personal property tax appraisals and assessments for all nonexempt real and personal property located within the geographic boundaries of the Municipality for the purpose of levying State and local property taxes.
- B. The Parties recognize and agree that absent an agreement such as this, or pursuant to an order of the State Tax Commission mandating the County to perform all or some of the property tax appraisal and tax assessment responsibilities for real and/or personal property located within the Municipality's geographic boundaries (MCL 211.10(f)), the County, has no obligation to provide these Services to or for the Municipality.
- C. The Michigan General Property Tax Act (MCL 211.34(3)) provides that the County Board of Commissioners, through the Equalization Division, may furnish assistance to local assessing officers in the performance of certain legally mandated property appraisal and assessment responsibilities.
- D. The Municipality has requested the County's Equalization Division assistance in performing the "Equalization Division Assistance Services" (as described and defined in this Contract) and has agreed in return to reimburse the County as provided for in this Contract.
- E. The County has determined that it has sufficient "Equalization Division Personnel," as defined herein, possessing the requisite knowledge and expertise and is agreeable to assisting the Municipality by providing the requested "Equalization Division Assistance Services" under the terms and conditions of this Contract.

NOW, THEREFORE, in consideration of these premises and the mutual promises, representations, and agreements set forth in this Contract, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and the Municipality agree as follows:

- §1. DEFINED TERMS. In addition to the above defined terms (i.e., "Contract", "County", "Municipality", and "Party" and "Parties"), the following words and expressions when printed with the first letter capitalized as shown herein, whether used in the singular or

plural, possessive or nonpossessive, and/or either within or without quotation marks, shall, be defined and interpreted as follows:

- 1.1. "County Agent" or "County Agents" means all Oakland County elected officials, appointed officials, directors, board members, council members, commissioners, authorities, other boards, committees, commissions, employees, managers, departments, divisions, volunteers, agents, representatives, and/or any such persons' successors or predecessors, agents, employees, attorneys, or auditors (whether such persons act or acted in their personal representative or official capacities), and/or any persons acting by, through, under, or in concert with any of them, excluding the Municipality and/or any Municipality Agents, as defined herein. "County Agent" and/or "County Agents" shall also include any person who was a County Agent anytime during the term of this Contract but, for any reason, is no longer employed, appointed, or elected and serving as a County Agent.
- 1.2. "Equalization Division Personnel" means a specific subset of and included as part of the larger group of County Agents as defined above and shall be further defined as all County Agents specifically employed and assigned by the County to work in the Equalization Division of the County's Department of Management and Budget as shown in the current County budget and/or personnel records of the County. For all purposes in this Contract, any reference to County Agents shall also include within that term all Equalization Division Personnel, but any reference in this Contract to Equalization Division Personnel shall not include any County Agent employed by the County in any other function, capacity, or organizational unit of the County other than the Equalization Division of the Department of Management and Budget.
- 1.3. "Municipality Agent" or "Municipality Agents" means all Municipality officers, elected officials, appointed officials, directors, board members, council members, authorities, boards, committees, commissions, employees, managers, departments, divisions, volunteers, agents, representatives, and/or any such persons' successors or predecessors, agents, employees, attorneys, or auditors (whether such persons act or acted in their personal, representative, or official capacities), and/or all persons acting by, through, under, or in concert with any of them, except that no County Agent shall be deemed a Municipality Agent and conversely, no Municipality Agent shall be deemed a County Agent. "Municipality Agent" shall also include any person who was a Municipality Agent at any time during this Contract but for any reason is no longer employed, appointed, or elected in that capacity.
- 1.4. "Claim(s)" mean all alleged losses, claims, complaints, demands for relief or damages, suits, causes of action, proceedings, judgments, deficiencies, liabilities, penalties, litigation costs and expenses, including, but not limited to, any reimbursement for reasonable attorney fees, witness fees, court costs, investigation and/or litigation expenses, any amounts paid in settlement, and/or any other amounts of any kind whatsoever which are imposed on, incurred by, or asserted against a Party, or for which a Party 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 constitution (Federal or State), any statute, rule, regulation or the common law, whether in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened and arising out of the performance or participation in this Contract.

- 1.5. "Municipality Taxpayer" means all residents, property owners, persons, or taxable entities within the Municipality, or their representatives or agents, who may be liable or responsible for any property taxes assessed by the Municipality pursuant to any applicable State Property Tax Laws.
 - 1.6. "State" shall be defined as the "State of Michigan," a sovereign governmental entity of the United States, and shall also include within its definition all departments or agencies of State government including specifically, but not limited to, the State Tax Commission, the State Tax Tribunal, and/or the State Department of Treasury.
- §2. COUNTY EQUALIZATION DIVISION ASSISTANCE SERVICES. The full and complete scope of all County Equalization Division Assistance Services shall be as described and limited in the following subsections (hereinafter defined and referred to as either "Equalization Division Assistance Services" or "Services").
- 2.1. "EQUALIZATION DIVISION ASSISTANCE SERVICES" OR "SERVICES" TO BE PROVIDED. Equalization Division Assistance Services or Services, to be performed by County for the Municipality as those terms are defined in this Contract, shall only include and shall be limited to the following activities:
 - 2.1.1. This Contract is to provide for annual assessment of real and personal property from July 1, 2022 to June 30, 2023 as required by laws of the State of Michigan. The County shall make assessments of real and personal property within the Municipality pursuant to MCL 211.10d.
 - 2.1.2. The Equalization Division personnel will appraise all property, process all real and personal property description changes, prepare the assessment roll for real and personal property in the Municipality; attend March, July and December Boards of Review and other such duties as required by the State General Property Tax Laws. The Equalization Division personnel will also be available for consultation on all Michigan Tax Tribunal real and personal property and special assessment appeals and will assist the Municipality in the preparation of both the oral and written defense of appeals, as long as there is a current Contract in effect.
 - 2.2. PURPOSE OF COUNTY "SERVICES". The purpose of all Equalization Division Assistance Services or Services to be performed under this Contract shall be to assist (e.g., to help, aid, lend support, and/or participate as an auxiliary, to contribute effort toward completion of a goal, etc.) the Municipality in the performance of that Municipality's official functions, obligations, and the Municipality's legal responsibilities for property tax appraisal and assessment pursuant to the applicable State Property Tax Laws.
 - 2.3. MANNER COUNTY TO PROVIDE SERVICES. All Equalization Division Assistance Services or Services to be provided by the County for the Municipality under this Contract shall be performed solely and exclusively by the County's Equalization Division Personnel.
 - 2.3.1. Equalization Division Personnel, including those certified as Michigan Master Assessing Officers (MMAO), shall be employed and assigned by the County in such numbers and based on such appropriate qualifications and other factors as decided solely by the County.

- 2.3.2. The County shall be solely and exclusively responsible for furnishing all Equalization Division Personnel with job instructions, job descriptions, and job specifications and shall in all circumstances control, supervise, train, or direct all Equalization Division Personnel in the performance of all Services under this Contract.
- 2.3.3. Except as otherwise expressly provided for herein, the County shall remain the sole and exclusive employer of all County Agents and Equalization Division Personnel and that the County shall remain solely and completely liable for all County Agents' past, present, or future wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, travel expenses, mileage allowances, training expenses, transportation costs, and/or other allowances or reimbursements of any kind, including, but not limited to, workers' disability compensation benefits, unemployment compensation, Social Security Act protection(s) and benefits, any employment taxes, and/or any other statutory or contractual right or benefit based on or in any way related to any County Agent's employment status.
- 2.3.4. This Contract is neither intended, nor shall it be interpreted, to create, change, grant, modify, supplement, supersede, alter, or otherwise affect or control, in any manner, form, or at any time, any right, privilege, benefit, or any other term or condition of employment, of any kind or nature whatsoever, in, upon, or for any County Agent or Equalization Division Personnel with the County, any applicable County employment and/or union contract, and/or any County rule(s), regulation(s), hours of work, shift assignment, order(s), policy(ies), procedure(s), directive(s), ethical guideline(s), etc., which shall, solely and exclusively, govern and control the employment relationship between the County and any County Agent or Equalization Division Personnel and/or the conduct and actions of any County Agent or any Equalization Division Personnel. To illustrate, but not otherwise limit, this Contract does not and shall not be interpreted to limit, modify, control, or otherwise affect, in any manner:
 - 2.3.4.1. The County's sole and exclusive right, obligation, responsibility, and discretion to employ, compensate, assign, reassign, transfer, promote, reclassify, discipline, demote, layoff, furlough, discharge any Equalization Division Personnel and/or pay all Equalization Division Personnel's wages, salaries, allowances, reimbursements, compensation, fringe benefits, or otherwise decide all such terms and conditions of employment and make all employment decisions that affect, in any way, the employment of any Equalization Division Personnel with the County, subject only to its applicable collective bargaining Contracts.
 - 2.3.4.2. The County's sole and exclusive right, obligation, and responsibility to determine, establish, modify, or implement all operational policies, procedures, orders, rules, regulations, ethical guidelines, and/or any other judgment, policy or directive which, in any way, governs or controls any activity of any County Agent or Equalization Division Personnel, any necessary County Agent or Equalization Division Personnel's

training standards or proficiency(ies), any level or amount of required supervision, all standards of performance, any sequence or manner of performance, and any level(s) of experience, training, or education required for any Equalization Division Personnel performing any County duty or obligation under the terms of this Contract.

- 2.3.5. Except as expressly provided for under the terms of this Contract and/or laws of this State, no County Agent or Equalization Division Personnel, while such person is currently and/or actively employed or otherwise remains on the payroll of the County as a County Agent shall be employed, utilized, or perform any other services, of any kind, directly or indirectly, in any manner or capacity, or otherwise be available to perform any other work or assignments by or for the Municipality during the term of this Contract. This section shall not prohibit the Municipality from employing any person who was a former County Agent but is no longer employed in that capacity by the County.
- 2.3.6. Except as otherwise expressly provided by the Contract and/or applicable State law, neither the County, nor any County Agent, nor any Equalization Division Personnel, by virtue of this Contract or otherwise, shall be deemed, considered or claimed to be an employee of the Municipality and/or a Municipality Agent.
- 2.3.7. The Municipality shall not otherwise provide, furnish or assign any Equalization Division Personnel with any job instructions, job descriptions, job specifications, or job duties, or in any manner attempt to control, supervise, train, or direct any Personnel in the performance of any County's Equalization Division Assistance Services duty or obligation under the terms of this Contract.
- 2.4. LIMITS AND EXCLUSIONS ON COUNTY "SERVICES". Except as otherwise expressly provided for within this Contract, neither the County nor any County Agents shall be responsible for assisting or providing any other services or assistance to the Municipality or assume any additional responsibility for assisting the Municipality in any other way or manner with any Municipality obligations under all State Property Tax Laws, including, but not limited to, providing any attorney or legal representation to the Municipality or any Municipality Agent at any proceeding before the Michigan Tax Tribunal or any other adjudicative body or court, except as expressly provided for in this Contract.
 - 2.4.1. The Municipality shall, at all times and under all circumstances, remain solely liable for all costs, legal obligations, and/or civil liabilities associated with or in any way related to any Municipality tax appraisal or assessment functions or any other Municipality legal obligation under any applicable State Property Tax Laws. The Municipality shall employ and retain its own Municipality legal representation, as necessary, to defend any such claim or challenge before the State Tax Tribunal or any other court or review body.
 - 2.4.2. Except for those express statutory and/or regulatory obligations incumbent only upon licensed Equalization Division Personnel (i.e., State Licensed and Certified Real and/or Personal Property Tax Assessors) to

defend property tax appraisals and assessments that they either performed, or were otherwise performed under their supervision, before the Michigan Tax Tribunal, no other County Agents, including any County attorneys shall be authorized, required and/or otherwise obligated under this Contract or pursuant to any other agreement between the Parties to provide any legal representation to or for the Municipality and/or otherwise defend, challenge, contest, appeal, or argue on behalf of the Municipality before the Michigan Tax Tribunal or any other review body or court.

§3. TERM OF CONTRACT. The Parties the term of this Contract shall begin on July 1, 2022 and shall end on June 30, 2023, without any further act or notice from either Party being required. All Services otherwise provided to the Municipality prior to the effective date of this Contract, shall be subject to the terms and conditions provided for herein.

§4. NO TRANSFER OF MUNICIPALITY LEGAL OBLIGATIONS TO COUNTY. Except as expressly provided for in this Contract, the Municipality agrees that this Contract does not, and is not intended to, transfer, delegate, or assign to the County, and/or any County Agent or Equalization Division Personnel any civil or legal responsibility, duty, obligation, duty of care, cost, legal obligation, or liability associated with any governmental function delegated and/or entrusted to the Municipality under any applicable State Property Tax Laws.

4.1. The Municipality shall, at all times and under all circumstances, remain solely liable for all costs, legal obligations, and/or civil liabilities associated with or in any way related to any Municipality tax appraisal or assessment functions or any other Municipality legal obligation. Under no circumstances shall the County be responsible for any costs, obligations, and/or civil liabilities associated with its Municipality function or any responsibility under any State Property Tax Law.

4.2. The Municipality shall not incur or create any debts, liens, liabilities or obligations for the County and shall take all necessary steps to ensure that any debts, liens, liabilities, or obligations that the Municipality may incur shall not become a debt, liability, obligation, or Claim(s) against the County.

4.3. The Municipality shall at all times remain responsible for the ultimate completion of all Municipality duties or obligations under all applicable State Property Tax Laws. Nothing in this Contract shall relieve the Municipality of any Municipality duty or obligation under any applicable State Property Tax Law.

4.4. The Municipality and Municipality Agents shall be and remain responsible for compliance with all Federal, State, and local laws, ordinances, regulations, and agency requirements in any manner affecting any work or performance of this Contract or with any Municipality duty or obligation under any applicable State Property Tax Law.

§5. NO DELEGATION OR DIMINUTION OF ANY GOVERNMENTAL AUTHORITY. The Parties reserve to themselves any rights and obligations related to the provision of all of each Party's respective governmental services, authority, responsibilities, and obligations. Except as otherwise expressly provided herein, this Contract does not, and is not intended to, create, diminish, delegate, transfer, assign, divest, impair, or contravene any constitutional, statutory, and/or other legal right, privilege, power, civil or legal responsibility, obligation, duty of care, liability, capacity, immunity, authority or character of office of either Party.

- 5.1. Notwithstanding any other term or condition in this Contract, that no provision in this Contract is intended, nor shall it be construed, as a waiver of any governmental immunity, as provided by statute or applicable court decisions, by either Party, either for that Party and/or any of that Party's County or Municipal Agents.
- 5.2. Notwithstanding any other provision in this Contract, nothing in this Contract shall be deemed to, in any way, limit or prohibit the Oakland County Board of Commissioners statutory rights and obligations to review and/or further equalize Municipality property values or tax assessments and/or further act upon any Municipality assessment(s) of property taxes under any applicable State Property Tax Laws, including, but not limited to challenging any Municipality assessment before the Michigan Tax Tribunal.

§6. PAYMENT SCHEDULE. The Municipality shall pay to the County the following: For the contract year 2022-2023 the sum of \$16.39 for each real property description and \$13.72 for each personal property description rendered. Payment for the contract year 2022-2023 is payable on or before July 1, 2023.

If during the term of this Contract, there are additional services requested of the County, the Parties shall negotiate additional fees to be paid by the Municipality.

- 6.1. All time incurred for Board of Review dates beyond the regular County working hours to be billed at the applicable Equalization Division personnel's overtime rate and charged to the Municipality over and above any other fees described in this Contract, with the following exceptions:
 - 6.1.1. One evening meeting as required by law under MCL § 211.30(3).
 - 6.1.2. Dates requiring overtime set by the Municipality Charter.
- 6.2. The Municipality shall be responsible for postage on all personal property statements and personal property notices mailed relating to work performed under this Contract. The Municipality agrees to be responsible for all photographic supplies.
- 6.3. If the Municipality fails, for any reason, to pay the County any monies when and as due under this Contract, the Municipality agrees that unless expressly prohibited by law, the County or the County Treasurer, at their sole option, shall be entitled to a setoff from any other Municipality funds that are in the County's possession for any reason. Funds include but are not limited to the Delinquent Tax Revolving Fund ("DTRF"). Any setoff or retention of funds by the County shall be deemed a voluntary assignment of the amount by the Municipality to the County. The Municipality waives any claims against the County or its Officials for any acts related specifically to the County's offsetting or retaining such amounts. This paragraph shall not limit the Municipality's legal right to dispute whether the underlying amount retained by the County was actually due and owing under this Contract.
- 6.4. If the County chooses not to exercise its right to setoff or if any setoff is insufficient to fully pay the County any amounts due and owing the County under this Contract, the County shall have the right to charge up to the then-maximum legal interest on any unpaid amount. Interest charges shall be in addition to any other amounts due to the County under this Contract. Interest charges shall be

calculated using the daily unpaid balance method and accumulate until all outstanding amounts and accumulated interest are fully paid.

- 6.5. Nothing in this Section shall operate to limit the County's right to pursue or exercise any other legal rights or remedies under this Contract against the Municipality to secure reimbursement of amounts due the County under this Contract. The remedies in this Section shall be available to the County on an ongoing and successive basis if Municipality at any time becomes delinquent in its payment. Notwithstanding any other term and condition in this Contract, if the County pursues any legal action in any court to secure its payment under this Contract, the Municipality agrees to pay all costs and expenses, including attorney's fees and court costs, incurred by the County in the collection of any amount owed by the Municipality.
 - 6.6. Notwithstanding any other term or condition in this Contract, should the Municipality fail for any reason to timely pay the County the amounts required under this Contract, the County may discontinue, upon thirty (30) days written notice to the Municipality, without any penalty or liability whatsoever, any Services or performance obligations under this Contract.
- §7. LIABILITY. Each Party shall be responsible for any Claims made against that Party and for the acts of County Agents or Municipality Agents, as applicable. In any Claims that may arise from the performance of this Contract, each Party shall seek its own legal representation and bear the costs associated with such representation including any attorney fees.
- 7.1. This Contract does not and is not intended to create or include any County warranty, promise, covenant or guaranty, either express or implied, of any kind or nature whatsoever in favor of the Municipality, and/or any Municipality Agents, or any Municipality Taxpayer or any other person or entity, or that the County's efforts in the performance of any obligation under this Contract will result in any specific monetary benefit or efficiency, or increase in any tax revenue for the Municipality, or will result in any specific reduction or increase in any property assessment, or guarantee that any Services provided under this Contract will withstand any challenge before the State Tax Tribunal or any court or review body, or any other such performance-based outcome.
 - 7.2. In the event of any alleged breach, wrongful termination, and/or any default of any term or condition of this Contract by either the County or any County Agent, the County and/or any County Agent shall not be liable to the Municipality for any indirect, incidental, special, or consequential damages, including, but not limited to any replacement costs for Services, any loss of income or revenue, and/or any failure by the Municipality to meet any Municipality obligation under any applicable State Property Tax Laws, or any other economic benefit or harm that the Municipality may have realized, but for any alleged breach, wrongful termination, default and/or cancellation of this Contract, or damages beyond or in excess of the amount(s) of any amount paid to, received or retained by the County at the time of the alleged breach or default in connection with or under the terms of this Contract, whether such alleged breach or default is alleged in an action in contract or tort and/or whether or not the Municipality has been advised of the possibility of such damages. This provision and this Contract is intended by the Parties to allocate the risks between the Parties, and the Parties agree that the allocation of each Party's efforts, costs, and obligations under this

Contract reflect this allocation of each Party's risk and the limitations of liability as specified herein.

- 7.3. Neither Party has any right pursuant to or under this Contract against the other Party to or for any indemnification (i.e., contractually, legally, equitably, or by implication) contribution, subrogation, or other right to be reimbursed by the Party based upon any legal theories or alleged rights of any kind, whether known or unknown, for any alleged losses, claims, complaints, demands for relief or damages, judgments, deficiencies, liability, penalties, litigation costs and expenses of any kind whatsoever which are imposed on, incurred by, or asserted against a Party and which are alleged to have arisen under or are in any way based or predicated upon this Contract.
- 7.4. If the Municipality requests and the County agrees, the County may prepare the actual tax statement for mailing by the Municipality to Municipality residents. In preparing any such tax statement the County shall rely upon certain data provided by the Municipality beyond the data gathered by the County under this Contract, including, but not limited to, the applicable millage rate. Under no circumstances shall the County be held liable to the Municipality or any third party based upon any error in any tax statement due to information supplied by the Municipality to the County for such purposes.

§8. MUNICIPALITY AGENTS AND COOPERATION WITH THE COUNTY. The Municipality shall be solely responsible for guaranteeing that all Municipality Agents fully cooperate with Equalization Division Personnel in the performance of all Services under this Contract. The County shall be solely responsible for guaranteeing that all Equalization Division personnel fully cooperate with Municipality agents in the performance of all Services under this Contract.

- 8.1. Municipality Agents shall be employed and assigned based on appropriate qualifications and other factors as decided by the Municipality. The Municipality shall be solely responsible for furnishing all Municipality Agents with all job instructions, job descriptions and job specifications and shall solely control, direct, and supervise all Municipality Agents and shall be solely responsible for the means and manner in which Municipality's duties or obligations under any applicable State Property Tax Laws are satisfied.
- 8.2. The Municipality shall be solely liable for all Municipality Agents' past, present, or future wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, travel expenses, mileage allowances, training expenses, transportation costs, and/or other allowances or reimbursements of any kind, including, but not limited to, workers' disability compensation benefits, unemployment compensation, Social Security Act protection(s) and benefits, any employment taxes, and/or any other statutory or contractual right or benefit based on or in any way related to any Municipality Agent's employment status or any alleged violation of any Municipality Agent's statutory, contractual (e.g., union, employment, or labor contract), constitutional, common law employment right, and/or civil rights by the Municipality. The Municipality agrees to indemnify and hold harmless the County from and against all Claim(s) which are imposed upon, incurred by, or asserted against the County or any County Agent by any Municipality Agent and/or which are based upon, result from, or arise from, or are in any way related to any Municipality Agent's wages, compensation, benefits, or

other employment-related or based rights, including, but not limited to, those described in this section.

- 8.3. No Municipality Agent shall, by virtue of this Contract or otherwise, be considered or claimed to be an employee of the County and/or a County Agent. This Contract does not grant or confer, and shall not be interpreted to grant or confer, upon any Municipality Agents or any other individual any status, privilege, right, or benefit of County employment or that of a County Agent.
- 8.4. The Municipality shall provide the County with information regarding any activity affecting the tax status of any parcel including but not limited to the following: Downtown Development Authorities, Redevelopment Plans, Tax Increment Financing Authorities. In addition, the Municipality shall notify the County immediately of approval of any application for abatement or tax exemption.
- 8.5. The Municipality shall inform the County Agents regarding any increase in taxation which is governed by the Truth in Taxation Act. Further, the Municipality shall inform the County Agents regarding any millage increase (new) or renewal.
- 8.6. The Municipality is responsible for Special Assessment billings, maintaining a paper trail of roll changes, maintaining the rolls in balance, and providing the Oakland County Equalization Division with the information necessary to prepare the warrant.
- 8.7. The Municipality Agents shall perform the following functions:
 - 8.7.1. Mechanically make name changes to Sidwell numbers on a monthly basis using the County's Computer terminals.
 - 8.7.2. Provide a copy of all building permits with Sidwell numbers to the County's Equalization Division on a monthly basis.
 - 8.7.3. Be responsible for the establishment, accuracy, and compilation of all Special Assessment rolls in the Municipality.
 - 8.7.4. Forward all exemption applications, transfer affidavits, personal property statements and all other documents affecting the status or value of property located within the Municipality to the County's Equalization Division in a timely manner.
 - 8.7.5. Forward all information on splits and combinations after approval by the Municipality to the County's Equalization Division.
- 8.8. In the event that Municipality Agents, for whatever reason, fail or neglect to undertake the tasks in Section 8.7 above, the County's Equalization Division may perform these tasks and it shall be paid on a time and material basis. Such rate shall be based upon the wages plus benefits of the County Agents performing said tasks.
- §9. INDEPENDENT CONTRACTOR. The County's and/or County Agents' legal status and relationship to the Municipality shall be that of an Independent Contractor. No liability, right, or benefits arising out of an employer/employee relationship, either express or implied, shall arise or accrue to either Party as a result of this Contract.
- §10. COUNTY PRIORITIZATION OF COUNTY RESOURCES. This Contract does not, and is not intended to, create either any absolute right in favor of the Municipality or any correspondent absolute duty or obligation upon the County, to guarantee that any specific

number(s) or classification of County Agents will be present on any given day to provide Services to the Municipality.

- §11. CANCELLATION OR TERMINATION OF THIS CONTRACT. Except as follows, and notwithstanding any other term or provision in any other section of this Contract, either Party, upon a minimum of ninety (90) calendar days written notice to the other Party, may cancel and/or completely terminate this Contract for any reason, including convenience, without incurring any penalty, expense, or liability to the other Party. The effective date for any such termination is to be clearly stated in the notice.
- 11.1. At 5:00 p.m. on the effective date of the cancellation of this Contract all Municipality and/or County obligations under this Contract, except those rights and obligations expressly surviving cancellation as provided for in this Contract, shall end.
 - 11.2. All Municipality obligations, including, but not limited to, waivers of liability, record-keeping requirements, any Municipality payment obligations to the County, and/or any other related obligations provided for in this Contract with regard to any acts, occurrences, events, transactions, or Claim(s) either occurring or having their basis in any events or transactions that occurred before the cancellation or completion of this Contract, shall survive the cancellation or completion of this Contract.
- §12. EFFECTIVE DATE, CONTRACT APPROVAL, AND AMENDMENT. This Contract, and/or any amendments thereto, shall be approved by resolutions of both the Oakland County Board of Commissioners and the Governing Body of the Municipality. The approval and terms of this Contract, and/or any amendments thereto, shall be entered in the official minutes and proceedings of both the Oakland County Board of Commissioners and the Governing Body of the Municipality and shall also be filed with the office of the County Clerk, the Clerk for the Municipality, and the Secretary of State.
- §13. NO THIRD-PARTY BENEFICIARIES. Except as expressly provided herein for the benefit of the Parties, this Contract does not, and is not intended to, create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right to be indemnified (i.e., contractually, legally, equitably, or by implication) and/or any right to be subrogated to any Party's rights in this Contract, and/or any other right of any kind, in favor of any person, including, but not limited to, any County Agent or Municipality Agent or any Municipality Taxpayer, any Taxpayer's legal representative, any organization, any alleged unnamed beneficiary or assignee, and/or any other person.
- §14. CONSTRUED AS A WHOLE. The language of all parts of this Contract is intended to and, in all cases, shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party. As used in this Contract, the singular or plural number, possessive or nonpossessive shall be deemed to include the other whenever the context so suggests or requires.
- §15. CAPTIONS. The section headings or titles and/or all section numbers contained in this Contract are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Contract.
- §16. NOTICES. Except as otherwise expressly provided for herein, all correspondence, invoices, and/or any other written notices required, permitted or provided for under this Contract to be delivered to either Party shall be sent to that Party by first class mail. All such written notices, including any notice canceling or terminating this Contract as provided for herein, shall be sent to the other Party's signatory to this Contract, or that

signatory's successor in office, at the addresses shown in this Contract. All correspondence or written notices shall be considered delivered to a Party as of the date that such notice is deposited with sufficient postage with the U.S. Postal Service.

- §17. WAIVER OF BREACH. The waiver of a breach of any provision of this Contract shall not operate or be construed as a waiver of any subsequent breach. Each and every right, remedy and power granted to either Party or allowed it by law shall be cumulative and not exclusive of any other.
- §18. ENTIRE CONTRACT. This Contract sets forth the entire agreement between the County and the Municipality and supersedes all prior agreements or understandings between them in any way related to the subject matter hereof. All terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the County and the Municipality in any way related to the subject matter hereof, except as expressly stated herein. This Contract shall not be changed or supplemented orally and may be amended only as otherwise provided herein.

The undersigned execute this Contract on behalf of the Parties and by doing so legally obligate and bind the Parties to this Contract.

IN WITNESS WHEREOF, Roslyn Grafstein, Mayor of the City of Madison Heights acknowledges that she has been authorized by a resolution of the Governing Body of the City of Madison Heights to execute this Contract and accepts and binds the City of Madison Heights to this Contract.

EXECUTED: _____ DATE: _____
 Roslyn Grafstein, Mayor
 City of Madison Heights

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

IN WITNESS WHEREOF, David T. Woodward, Chairperson, Oakland County Board of Commissioners, acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners to execute this Contract and accepts and binds Oakland County to this Contract.

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

WITNESSED: _____ DATE: _____
 (Print Name) _____ DATE: _____
 County of Oakland

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

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 6/3

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13

ACTION REQUESTED

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

DESCRIPTION OF ITEM

2022 Oakland County Local Road Improvement Program (LRIP) Cost Participation Agreement

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Please see the attached report. Staff recommends that City Council approve the Cost Participation Agreement for the 2022 LRIP program, and authorize the Mayor to electronically sign on behalf of the City.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------|---------------------|-----------------|
| No Impact | _____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | <u>\$81,493</u> |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 6/7/2022

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 06/07/22

MEMORANDUM

Item 6.

DATE: June 3, 2021

TO: Melissa R. Marsh, City Manager

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

SUBJECT: Oakland County Local Road Improvement Program (LRIP) Project Agreement – Mandoline Avenue

For the past six years the City has successfully participated in Oakland County's Local Road Improvement Program (LRIP), which is designed to assist local units of government with needed local road improvements. The program is based on a minimum 50% / 50% match between the City and Oakland County. Since the inception of this program, the City has received \$355,066 in County grant funding (\$37,716 in 2016, \$37,716 in 2017, \$59,328 in 2018, \$57,500 in 2019, and \$81,493 in 2020 and 2021). The funds were used to offset the cost of much-needed repairs to Whitcomb Avenue, Research Park, Tech Row, East Lincoln Avenue, and Barrington Street.

Oakland County has offered the program again for 2022, and we have been awarded the maximum grant amount of \$81,493 for sectional concrete repairs to Mandoline Avenue. This road has been on our priority repair list for a number of years and we have addressed critical repairs as funding has permitted. The LRIP grant will be applied to our upcoming 2022 project for this street, which will offset a total project cost of \$140,000.

Staff recommends that City Council approve the Cost Participation Agreement for the 2022 LRIP program, and authorize the Mayor to electronically sign on behalf of the City.

Department of Public Services

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

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

2020 APPLICATION FORM

LOCAL ROAD IMPROVEMENT PROGRAM

Background: Oakland County has established a Local Road Improvement Program for the purposes of improving economic development in Oakland County cities and villages. The County intends this Program to assist its municipalities by offering limited matching funds for specific, targeted road maintenance and/or improvement projects on roadways under the jurisdiction of cities and villages.

Project Policies and Guidelines: The Oakland County Board of Commissioners and the Local Road Improvement Program Special Committee have established policies, procedures and guidelines for project consideration. These documents have been included as Attachment "A".

Available Funding: Oakland County's maximum contribution for projects in eligible cities or villages has been established within the distribution formula included as Attachment "B".

Required Matching Funds: A city or village participating in the Local Road Improvement Program shall match any funds authorized by the Oakland County Board of Commissioners in an amount equal to a minimum of 50% of the cost of the total project award. Funding shall be utilized to supplement and enhance local road maintenance and improvement programs. Funding is not intended to replace existing budgeted local road programs or to replace funding already committed to road improvements.

REQUESTING LOCAL GOVERNMENT

| | | |
|-----------------------------------------|---------------------------------------|--------------------------------------------------|
| MUNICIPALITY City of Madison Heights | CONTACT PERSON R. Corey Almas | TELEPHONE NUMBER 248-589-2294 |
| STREET ADDRESS 300 W. 13 Mile Road | CITY/ZIP Madison Heights, MI 48071 | E-MAIL ADDRESS coreyalmas@madison-heights.org |

**If applicable, please print clearly.*

PROJECT INFORMATION

SHORT DESCRIPTION OF PROJECT

Sectional Concrete Repair

ROAD/ROADS TO BE IMPROVED

Mandoline Avenue

DESCRIPTION

Mandoline Avenue provides access to a primary commercial and industrial hub in the north central portion of Madison Heights. This roadway also provides a connection to John R. Road which is a primary commercial/industrial access roadway to a main corridor of 14 Mile and City of Troy's Oakland Mall. City of Madison Heights has been attempting to budget for concrete sectional repairs for this project. Due to budgetary limitations we have not been able to complete the necessary repairs. The City has proposed a budget of approximately \$140,000 for this project in 2022. The City funds will cover all engineering and inspection as well as concrete section repairs. The City anticipates this project with the projected match will complete sectional repair needs for this road segment.

PROJECT BUDGET

| | | |
|-------------------|----------------------------------|----------------------------------|
| MAX COUNTY MATCH* | LOCAL MATCH | TOTAL PROJECT BUDGET |
| \$87,294 | \$140,035.15 - Total Project | \$227,329.15 - Total Project |
| | \$112,996.00 - Construction Only | \$200,290.00 - Construction Only |

SHORT DESCRIPTION OF PROPOSED PROJECT EXPENDITURES

\$227,329.15 - Total Project

\$140,035.15 - City Proposed Project Budget

(\$27,039.15) - Administration, Engineering and Inspection (13.5% of \$200,290)*

\$200,290.00 - Total LRIP - Construction Only - Sectional Concrete Repairs

\$112,996- City LRIP Match - Construction Only (56.4%)

\$ 87,294.00 - Oakland County LRIP (43.6%)

*All administration, engineering and inspection costs will be paid with City funds.

*Max county match amount can be found on Attachment B

ECONOMIC IMPACT OF PROJECT

The Local Road Improvement Program has been established under MCL 123.872, the Gifts of Property Act, which provides that "A county may grant or loan funds to a township, village, or city located within that county for the purpose of encouraging and assisting businesses to locate and expand within the county."

DESCRIBE HOW THE PROJECT MEETS THE STATUTORY REQUIREMENT OF ENCOURAGING AND ASSISTING BUSINESS TO LOCATE AND EXPAND IN THE COUNTY

Mandoline Avenue provides the main access to one of the City's primary industrial/commercial subdivision areas. Located in the north central end of the City, Mandoline Avenue serves a broad range of existing industrial and commercial businesses. This roadway also provides a connection to John R Road which is a primary industrial/commercial access roadway to a main corridor of 14 Mile and City of Troy's Oakland Mall. Continued maintenance of these heavily used roads is critical for our economic development retention efforts. As a community that is almost built out, it is critical for us to maintain excellent road access to our existing commercial roadways, as they provide the only means for us to maintain our commercial tax base. The commercial area that Mandoline Avenue serves is a vital "engine" that drives our commercial base. We must maintain this road for its continued long-term viability.

ADDITIONAL INFORMATION

The Local Road Improvement Program Special Committee of the Oakland County Board of Commissioners has been tasked with managing this program and making recommendations for project approval. Please supply any additional information you believe may be helpful in the consideration of your application.

OPTIONAL ADDITIONAL INFORMATION

REPORT FOLLOWING COMPLETION OF THE PROJECT

MCL 123.872 requires that “the grant or loan contract made by a county shall require a report to the county board of commissioners regarding the activities of the recipient and the degree to which the recipient has met the stated public purpose of the funding”.

I, on behalf of City of Madison Heights, have been provided with a copy of the Policies and Procedures of the Local Road Improvement Program (Attachment “A”) and agree to comply with these terms and conditions.

I, on behalf of City of Madison Heights, understand and agree to comply with the requirement to provide the Oakland County Board of Commissioners with a report following the completion of an approved project outlining the degree to which the project met the stated purpose of the funding.

Signature of Authorized Party

4/4/2022

Date

R. Corey Almas, P.E.

Printed Name and Title

Please return completed application to: Local Road Improvement Program Special Committee
Oakland County Board of Commissioners
1200 N. Telegraph Road
Pontiac, MI 48341-0475

Or a PDF copy of application may be emailed to: Amy Aubry, Analyst at aubrya@oakgov.com

Questions regarding the application and approval process should be directed to Amy Aubry at the email address above or by phone at 248-452-7056.

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

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 6/2

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Council Approval of the 2022 Festival in the Park Fireworks Display Permit

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Please see attached. Staff and I recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------------|---------------------|-------|
| No Impact | _____✓_____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | Budget Amount | _____ |
| Second Account Number | _____ | Revenue Generated | _____ |
| Amount Available in 2 nd Acct. | _____ | | |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 06/07/2022

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE 06/07/22

MEMORANDUM

Item 7.

DATE: June 2, 2022

TO: Melissa R. Marsh, City Manager

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

SUBJECT: Approval of 2022 Fireworks Display Permit

At the regular meeting of April 25, Council approved the permit for the 2022 Fireworks Display, and authorized the Mayor to sign on the City's behalf. Since that time, we have been informed by our vendor, Great Lakes Fireworks, that due to supply chain issues, they cannot guarantee that they will be able to provide our fireworks display on the evening of the Festival.

Upon receiving this information, Recreation Coordinator Brooke Heisler immediately began reaching out to other potential vendors, specifically describing our needs and expectations. Through an exhaustive process, it was determined that Pyrotecnico Fireworks would be able and willing to provide a high-quality show for the same budgeted amount. Pyrotecnico is a leader in the industry, with a diverse and impressive company portfolio.

As previously noted, the permit application process for a commercial or public fireworks display in the state of Michigan requires approval by the legislative body, in this case, the City Council. Staff and I therefore recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

Department of Public Services

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

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

2022 Application for Fireworks Other Than Consumer or Low Impact

FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY

Item 7.

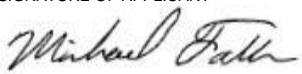
DATE PERMIT(S) EXPIRE:

Authority: 2011 PA 256

The LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.

TYPE OF PERMIT(S) (Select all applicable boxes)

- ☐ Agricultural or Wildlife Fireworks ☐ Articles Pyrotechnic ☒ Display Fireworks
- ☒ Public Display ☐ Private Display
- ☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| NAME OF APPLICANT Pyrotecnico Fireworks, Inc. | | ADDRESS OF APPLICANT 299 Wilson Rd, New Castle, PA 16101 | AGE OF APPLICANT 18 YEARS OR OLDER X YES <input type="checkbox"/> NO |
| NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER Stephen Vitale | | ADDRESS PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER 299 Wilson Rd, New Castle, PA 16101 | |
| IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) Michael Falk | | ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT) 4369 E Summit Woods Dr NE, Rockford, MI 49341 | TELEPHONE NUMBER 616.427.0377 |
| NAME OF PYROTECHNIC OPERATOR Brennen Rauch | | ADDRESS OF PYROTECHNIC OPERATOR 4369 E Summit Woods Dr NE, Rockford, MI 49341 | AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER X YES <input type="checkbox"/> NO |
| NO. YEARS EXPERIENCE 10 years | NO. DISPLAYS 25+ | WHERE Michigan | |
| NAME OF ASSISTANT Steve Rauch | | ADDRESS OF ASSISTANT 4369 E Summit Woods Dr NE, Rockford, MI 49341 | AGE OF ASSISTANT 18 YEARS OR OLDER X YES <input type="checkbox"/> NO |
| NAME OF OTHER ASSISTANT Sara Cadwallader | | ADDRESS OF OTHER ASSISTANT 4369 E Summit Woods Dr NE, Rockford, MI 49341 | AGE OF OTHER ASSISTANT 18 YEARS OR OLDER X YES <input type="checkbox"/> NO |
| EXACT LOCATION OF PROPOSED DISPLAY Civic Center Park, 360 W. 13 Mile Rd., Madison Heights MI 48071 | | | |
| DATE OF PROPOSED DISPLAY June 26, 2022 – w/ rain date of June 27, 2022 | | TIME OF PROPOSED DISPLAY Approx. 10:10 pm | |
| MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT No storage necessary, delivered on date of display | | | |
| AMOUNT OF BOND OR INSURANCE (TO BE SET BY LOCAL GOVERNMENT) \$5,000,000.00 | | NAME OF BONDING CORPORATION OR INSURANCE COMPANY Britton-Gallagher & Associates | |
| ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY One Cleveland Center, Floor 30; 1375 East 9 th Street, Cleveland, OH 44114 | | | |
| NUMBER OF FIREWORKS | KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed) | | |
| Approximately 1000 | Aerial display shells ranging in size from 1 ¼ inches to 6 inches in diameter | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| SIGNATURE OF APPLICANT  | | DATE May 26, 2022 | |

Bureau of Fire Services
P.O. Box 30700
Lansing, MI 48909
(517) 241-8847

| | |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Authority: 1988 PA 358 | The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, material status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the American with Disabilities Act, you may make your needs known to this agency. |
| Compliance: Voluntary | |
| Penalty: Permit will not be issued | |

This permit is not transferable. It authorizes the resident wholesale dealer or jobber named below to have in his or her possession fireworks of any type, for sale only to holders of permits for public display or agriculture control.

☒ PUBLIC DISPLAY

☐ AGRICULTURAL PEST CONTROL

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--------------------------|
| Issued To Pyrotecnico Fireworks, Inc. | | Age (18 or over) Yes |
| Address 4369 E Summit Woods Dr NE, Rockford, MI 49341 | | |
| Name of Organization, Group, Firm, or Corporation City of Madison Heights, Michigan | | |
| Address 300 W. 13 Mile Road, Madison Heights MI 48071 | | |
| Number and Types of Fireworks Approximately 1000 aerial display shells ranging in size from 1 ¼ inches to 6 inches in diameter. | | |
| Exact Location of Display Civic Center Park, 360 W. 13 Mile Rd., Madison Heights MI 48071 | | |
| City, Village, Township City of Madison Heights, MI | Date June 26, 2022 – w/ rain date of June 27, 2022 | Time Approx. 10:10 pm |
| Bond or Insurance Filed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Amount \$5,000,000.00 |

Issued by action of: ☐ Council ☐ Commission ☐ Board of the

☐ City ☐ Village ☐ Township of _____
(Name of City, Village, Township)

on the _____ day of _____, _____

(Signature and Title of Council/Commission/Board Representative)

Instructions for Application for Fireworks Other Than Consumer or Low Impact

Applications shall be submitted to the legislative body of a city, village or township board. A permit may be issued as a result of official action by the legislative body. A permit shall be valid only for use within the limits of the jurisdiction of the legislative body of a city, village or township board.

1. Type of Permit – check all boxes that may apply to the type of permit needed. You may select several permit types depending on your fireworks display. You may check with your legislative body of a city, village or township board for assistance when making your selection. Please review the following definitions to determine which type of permit to select:
 - Agricultural or Wildlife Fireworks – devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the US Department of Interior or Michigan DNR.
 - Articles Pyrotechnic – 1.4G fireworks for professional use only that is classified as UN0431 or UN0432.
 - Display Fireworks – 1.3G fireworks for professional use only
 - Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes – devices with a combination of chemical elements or compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical or thermal effect for pest or animal control.
 - Public Display – a fireworks display that is open to all persons for viewing.
 - Private Display – a fireworks display that is not open to the general public for viewing.
2. Name of applicant – list the name of the applicant. The applicant may be a person representing an organization, group, firm or corporation, or self. If the applicant is also the operator, enter the same name in the operator's section.
3. Address of applicant – complete the address of the applicant; include the street address, city, state and zip code.
4. Name of person or resident agent representing corporation, LLC, DBA or other – list the name of the person or resident agent that represents the corporation, LLC, DBA or other.
5. Address of person or resident agent that represents the corporation, LLC, DBA or other – list the address of the person or resident agent representing the corporation, LLC, DBA or other.
6. Non-resident applicant – list the name of the non-resident applicant. A non-resident applicant shall appoint a Michigan attorney or Michigan resident agent in writing to be the applicant's legal representative upon whom all service of process in any action or proceeding may be served.
7. Name of pyrotechnic operator – list the name of the pyrotechnic operator. The pyrotechnic operator is the person in charge of the display. The legislative body of a city, village or township board shall rule on the competency and qualifications of the operator before granting a permit and may require an affidavit from the applicant as to the operator's experience, former pyrotechnic accidents, criminal record, sobriety, etc.
8. Address of pyrotechnic operator – list the address of the pyrotechnic operator; include the street address, city, state and zip code.
9. Age of the pyrotechnic operator – list the age of the pyrotechnic operator; the operator must be 18 years of age or older.
10. Name of assistant – list the name of the assistant to the pyrotechnic operator;
11. Address of assistant – list the address of the assistant; include the street address, city, state and zip code. If there is more than one assistant, please list additional assistants on a separate sheet and include the address and age of those additional assistants.
12. Age of assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
13. Name of other assistant – list the name of other assistant to the pyrotechnic operator.
14. Age of other assistant – list the age of the assistant to the pyrotechnic operator; the assistant must be 18 years or older.
15. Exact location of proposed display – list the address of the exact location of the proposed fireworks display.
16. Date of proposed display – indicate the date of the proposed fireworks display; only one display date can be used per application.
17. Time of proposed display – indicate the time of the proposed fireworks display.
18. Manner and place of storage - indicate the manner and place of storage within the legislative body of a city, village or township board of fireworks that are ready for display, just prior to the display in the area of exhibition. The legislative body of a city, village or township board shall obtain approval from the local fire authorities of the manner and place of storage before any permit is issued.

19. Amount of bond or insurance - the issuing legislative body of a city, village or township board shall set the amount of and proof of bond or insurance for the protection of the public to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of the person, firm or corporation, or any agent or employee of the applicant. The applicant shall assure the bond or insurance required is provided.
20. Name of bonding corporation or insurance company – provide the name of the bonding corporation or insurance company for which the bond was issued through.
21. Address of bonding corporation or insurance company – list the address of the bonding corporation or insurance company; include the street address, city, state and zip code.
22. Number of fireworks and kind of fireworks to be displayed– indicate the total amount of fireworks proposed for the display or use and a description of the type of fireworks for display; such as 10 aerial bombs, 30 aerial rocket bursts, etc.
23. The application is valid for the calendar year in which the application was received and permit was issued.
24. Permit fees shall be established by the legislative body of a city, village or township board and shall be submitted to and retained by legislative body of a city, village or township board.
25. Permitting will be in compliance with the [Michigan Fireworks Safety Act, PA 256 of 2011](#), [MCL 28.466, Section 16](#).
26. **Mail the application to the legislative body of a city, village or township board within the location jurisdiction of the display.** DO NOT mail the application to the Bureau of Fire Services (BFS). If mailed to the BFS, it will be returned to the sender.

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

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: Linda A. Kunath, Finance Director/Treasurer DATE: 06/10/2022

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Property Tax Poverty Exemption Guidelines Revision

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Council is requested to approve the 2022 Poverty Exemption Guidelines, in compliance with PA 253 of 2020. Residents can apply for poverty exemptions to be heard by the Board of Reveiw in both July and December.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------------|---------------------|-------|
| No Impact | _____✓_____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Linda A. Kunath, Finance Director/Treasurer DATE 06/10/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R. Marsh, City Manager DATE _____



FINANCE/TREASURER DEPARTMENT

Linda A. Kunath,
Finance Director/Treasurer

(248) 837-2639
LindaKunath@Madison-Heights.org

MEMORANDUM

DATE: June 10, 2022
TO: Melissa R. Marsh, City Manager
FROM: Linda A. Kunath, Finance Director/Treasurer
SUBJECT: 2022 Poverty Exemption Guidelines

Oakland County Equalization Department is contracted to provide assessing services to the City of Madison Heights. OCED notified the City yesterday that the State Tax Commission's auditor reviewed the OCED assessed rolls. Madison Heights' Poverty Exemption Resolution and Application failed the audit due to non-permissible items found in the resolution and application.

The auditor is providing Madison Heights a limited window of time to submit a corrected resolution and application in order to avoid a failed audit and subsequent corrective action plan. The failed poverty exemption review also prevents Madison Heights Board of Review from hearing poverties at the upcoming July 2022 Board of Review.

City Council approved a Poverty Exemption policy and guidelines resolution on February 8, 2021. The auditor flagged items in this resolution and application to be removed. Here are the items.

Resolution

- Page 2. Paragraph regarding State Equalized Value of the Principal Residence. This is not permitted and must be removed.
- Page 2. Paragraph regarding real property assets other than the Principal Residence. The City is permitted to list an Asset Limit in dollars only. This verbiage needs to be removed.
- Page 3. Reference to vehicles. Please add the word *principal* before vehicles.
- Page 3. Paragraph regarding assets under \$10,000 shall be treated as cash and income stream. This must be removed. The city is only permitted and to list an income level in dollars and an asset level in dollars.
- Page 3. Reference to unique circumstance must be removed.
- Page 4. Paragraph 1 must be removed. The City may not impose a limitation of years in which an applicant is eligible to receive a poverty exemption.



FINANCE/TREASURER DEPARTMENT

Linda A. Kunath,
Finance Director/Treasurer

(248) 837-2639
LindaKunath@Madison-Heights.org

MEMORANDUM

Application - A Word Doc is attached for editing.

- Page 2. Number 4, Regarding 1.5 Times Home SEV, Remove from application
- Page 3. Number 3, Revise automobiles to *principal vehicles*
- Page 6. Section 3 Three Part Test. The Asset Test Numbers 1, 3 and 4 must be removed. The City is permitted to list an asset limit in dollars only.
- Page 7. Section 4, Item F: Time Limitation Must be removed.
- Page 7. Section 4, Item G: Reference to Unique circumstances must be removed.

There were 9 exemptions applied for in 2021 through the Board of Review. Of these, 7 were granted a partial exemption, these properties had a combined taxable value of \$279,650 and after exemption \$139,810 was the combined taxable value.

I recommend the City Council adopt the attached updated resolution and guidelines as presented.



Madison Heights

City Assessor's Office

300 West 13 Mile Road Madison Heights, MI 48071

(248) 583-0820

RESOLUTION ADOPTING POVERTY EXEMPTION GUIDELINES

WHEREAS, Public Act 253 of 2020, which amended Section 7u of Act No. 206 of the Public Acts of 1893, as amended by Act No. 313 of the Public Acts of 1993, being sections 211.7u of the Michigan Compiled Laws, requires that the governing body of the local assessing unit determine and make available to the public the policy and guidelines used by the Board of Review in granting reductions in property assessments due to limited income and assets, referred to as "Poverty Exemptions."

THEREFORE, BE IT RESOLVED that in order to be eligible for poverty exemption in the City of Madison Heights, a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a principal residence the property for which an exemption is requested.
2. File a claim with the Board of Review on a form provided by the **City Assessor's Office**. The form must be filled out in its entirety and returned in person. Handicapped or infirmed applicants may call the **Assessor's Office** to make necessary arrangements for assistance.
3. Submit the most recent year's copies of the following:
4. All applicants and other persons residing in the homestead **must** submit last year's copies of the following:
 - a. Federal Income Tax Return-1040, 1040A or 1040E.
 - b. Michigan Income Tax Return-MI1040, MI1040A or MI1040EZ.
 - c. Senior Citizens Homestead Property Tax Form MI-1040CR-1.
 - d. General Homestead Property Tax Claim MI-1040CR-4.
 - e. Statement from Social Security Administration and/or Michigan Social Services as to moneys paid to you during previous year.
 - f. All copies of the prior year bank statements (including December) as well the statement(s) from the current month.
 - g. Family Independence Program (FIP) and/or Food Assistance Program (FAP) statement of benefits.
 - h. Complete IRS form 4506-T and return it with the application.

5. Produce a valid driver's license or other form of identification for all persons residing in the household.
6. Produce a deed, land contract or other evidence of ownership of the property for which the exemption is requested.

BE IT FURTHER RESOLVED that applications may be filed only once annually beginning January 1st each year for the March Board of Review or beginning May 1st until the day prior to the last day of the Board of Review meeting.

~~**BE IT FURTHER RESOLVED** that a poverty exemption should not be granted to any applicant whose proposed current State Equalized Value exceeds 1½ times the average State Equalized Value (SEV) of the City of Madison Heights.~~

~~**BE IT FURTHER RESOLVED** that a poverty exemption shall not be granted to any applicant who owns real property, whether singly or jointly, regardless of location, other than his or her homestead.~~

BE IT FURTHER RESOLVED that the applicant's total household income cannot exceed the Federal Poverty Guidelines published in the prior calendar year in the Federal Register set forth by the U.S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.

BE IT FURTHER RESOLVED that meeting the income level guidelines does not guarantee 100% exemption, at their discretion, the Board may approve 25%, 50% or 100% exemption, if deemed appropriate.

BE IT FURTHER RESOLVED that if the Board of Review determines that the applicant has or should have income from other sources, such as relatives, dependents and/or friends, they may add this income to the applicant's reported income. If the resulting sum of these incomes is greater than the income guidelines, then a poverty exemption may be denied. If the amount of this income is added to the applicant's reported income and the resulting sum is less than the income guidelines, then a poverty exemption may be granted.

BE IT FURTHER RESOLVED that the Board may review applications without the applicant being present. However, *the Board may request that any or all applicants be physically present to respond to any questions the Board or Assessor may have. This means that an applicant could be called to appear on short notice.*

1. At this meeting an applicant should be prepared to answer questions regarding their financial affairs, health, the status of people living in their home, etc.

2. All applicants appearing before the Board will be administered an oath, as follows:

"Do you, _____, swear and affirm that evidence and testimony you will give on your own behalf before the Board of Review is the truth, the whole truth, and nothing but the truth, so help you God."

Applicant responds, "I do" or "I will."

BE IT FURTHER RESOLVED that a poverty exemption shall not be granted to any applicant whose assets exceed \$10,000. An applicant's homestead and principal vehicles shall be excluded from consideration as an asset. All other property, including from all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to: cash, savings, stocks, bonds, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

~~**BE IT FURTHER RESOLVED** that assets under \$10,000 in value shall be treated as cash and if the investment value of the applicant's assets will produce, at the going interest rate, an income stream that when added to the applicant's reported income, a sum that is less than the income guidelines; then a poverty exemption may be granted. Conversely if the amount of interest, when added to the applicant's reported income, produces a sum that is greater than the income guidelines, then a poverty exemption shall be denied.~~

BE IT FURTHER RESOLVED that the designated City Official and the Board of Review must agree as to the disposition of the poverty claim for the exemption to be granted and any successful applicant may be subject to personal investigation by the City. This would be done to verify information submitted or statements made to the Assessor or Board regarding their poverty tax exemption claim. The designated City Official will tape and keep minutes of all proceedings before the Board of Review and all meetings must be held in a municipal building.

BE IT FURTHER RESOLVED a person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which that claim is made before the March Board of Review in the same year.

BE IT FURTHER RESOLVED that the Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year. In reviewing the application and all supporting documentation, the Board of Review will consider income, assets, potential earning capacity, and medical conditions, ~~and any other unique circumstances~~ of the applicant.-

~~**BE IT FURTHER RESOLVED** that the Board of Review may, in its discretion, grant a maximum of two (2) one (1) year poverty exemptions from taxation, to an owner(s) or party(ies) in interest of a qualifying homestead property. An owner(s) or party(ies) in interest of qualifying homestead property who receives the maximum of two (2) one (1) year poverty exemptions from taxation, shall not be eligible for any additional property exemptions for a homestead property at a different location within the City. The Board of Review may deviate from this policy by a two-~~

~~third (2/3) majority vote of all members, waive the two (2) year restriction and grant additional two (2) one (1) year exemptions; in whole or in part, but only for substantial and compelling reasons which will be communicated in writing to the City Council and the claimant.~~

BE IT FURTHER RESOLVED that in order to ease the burden on taxpayers, the assessor and the Board of Review and to ensure that all taxpayers have an equal opportunity to be heard by the Board of Review, the City of Madison Heights hereby resolves, according to provisions of MCL 211.30(8) of the General Property Tax Act, that the Board of Review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests. All notices of assessment change and all advertisements of Board of Review meetings are to include a statement that the resident taxpayers may protest by letter to the Board.

BE IT FURTHER RESOLVED that to conform with the provisions of PA 253 of 2020, this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

RESOLUTION DECLARED ADOPTED.

Cheryl E. Rottmann, Clerk

I, Cheryl E. Rottmann, duly authorized Clerk for the City of Madison Heights, do hereby certify that the foregoing is a true and correct copy of a motion adopted by the City Council at a regular meeting duly called and held on **Monday, February 8, 2021**, in the City of Madison Heights, Oakland County, Michigan.



OFFICE USE ONLY (Date Stamp)

City of Madison Heights 2022

Poverty/Hardship Exemption Application

OFFICE USE ONLY

NAME:

PARCEL NUMBER: 44-25-

APPLICATION #: 2022-

Poverty Exemptions

In order to qualify for a poverty exemption, you must meet the following five criteria:

1. You must be the owner of and have a homestead exemption on the property; you cannot be the renter who is liable for the taxes.
2. You must be an owner of and occupy as a principal residence the property for which an exemption is requested.
3. You must qualify under the current Federal Poverty Guidelines based on family size (attached).
- 4.
5. You must identify yourself to the Treasurer's Department.*

If you qualify then, on an annual basis:

1. You may obtain an application.
2. For every person residing in the household, you must attach a copy of last year's Federal and State Income Tax Forms including the General Homestead Property Tax Claim Form MI-1040 CR-4 (**very important**), any W-2's, any 1099's and all bank statements from the prior year (including December), as well as statement(s) from the current month. Include any Family Independence Program (FIP) and/or Food Assistance Program (FAP).
3. If you did not file a tax return, then you must get a statement of benefits paid from the Social Security Administration or Michigan Department of Social Services. You must also submit a signed form 4988 (attached to the application).
4. Produce a valid driver's license or other form of identification for all persons residing in the household.
5. Produce a deed, land contract or other evidence of ownership of the property for which the exemption is requested.
6. Sign the application when you return it to our office as it must be notarized or countersigned by a member of the City Treasurer's staff.
7. Complete and return IRS form 4506-T with the application.
8. All petitions must be returned no later than the day prior to the last day of the Board of Review.

CITY OF MADISON HEIGHTS
BOARD OF REVIEW

POLICY FOR APPLICANTS REQUESTING CONSIDERATION
FOR POVERTY EXEMPTIONS

1. All applicants must obtain the proper applications from the City Treasurer's Office. Handicapped or infirmed applicants may call the Treasurer's Office to make necessary arrangements for assistance.
2. Applicants will not be eligible for consideration if they do not meet the following 2022 Federal Poverty guidelines:

FEDERAL POVERTY GUIDELINES

A family of 1 must not make more than \$12,880/year
 A family of 2 must not make more than \$17,420/year
 A family of 3 must not make more than \$21,960/year
 A family of 4 must not make more than \$26,500/year
 A family of 5 must not make more than \$31,040/year
 A family of 6 must not make more than \$35,580/year
 A family of 7 must not make more than \$40,120/year
 A family of 8 must not make more than \$44,660/year

For each additional family member, add a maximum of \$4,540 per year.

3. Applicants cannot have more than \$10,000 in assets to be eligible for consideration.

Assets do not include: homestead or principal vehicles.

Assets do include: cash, stocks, insurance policies, coin collections, boats, recreation vehicles, second homes
 or
 other salable properties, retirement accounts, jewelry, etc.

Household Income is the total income (taxable and nontaxable) of everyone who resides in the household. It is the sum of adjusted gross income (AGI) plus all income exempt or excluded from AGI. Total household income includes – wages, salaries, tips; income from a business, rent or farm; Social Security; Supplemental Security Income (SSI), Department of Human Services (DHS) and Family Independence Program (FIP) benefits; child support; alimony; unemployment, workers' and veterans' disability compensation; pension benefits; interest income; gifts and winnings in excess of \$300.00 and other sources of income for all individuals living in the household.

Revised: 02/22/2021

COUNCIL POLICY

To provide for the equitable administration of the poverty exemption section of the General Property Tax Law as amended:

"Section 1"

APPLICATION PROCEDURE

- A. All applicants must obtain the proper application from the City Treasurer's Office. Handicapped or infirmed applicants may call the Treasurer's Office at 248-583-0845 to make necessary arrangements for assistance. Applications will be accepted after May 1, through the day prior to the last day of the Board of Review.
- B. Applicants total household income cannot exceed the annual Federal Poverty Guidelines published in the prior calendar year in the Federal Register as set forth by the U. S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.
- C. All applicants must be the property owner(s) & reside therein.
 - 1. Must produce a driver's license or other acceptable method of identification.
 - 2. Must produce a deed, land contract or other evidence of ownership if Assessor requests it.
- D. All applicants must fill out our application form in its entirety and return it, in person, to this office.
 - 1. Must not sign it until returned.
 - 2. Application must be notarized or signed by the Assessor when it is turned in.
- E. All applicants and other persons residing in the homestead must submit last years copies of the following:
 - 1. Federal Income Tax Return - 1040, 1040A or 1040E
 - 2. Michigan Income Tax Return - MI1040, MI1040A or MI1040EZ
 - 3. Senior Citizens Homestead Property Tax Form MI-1040CR-1 or
 - 4. General Homestead Property Tax Claim MI-1040CR-4
 - 5. Statement from Social Security Administration and/or Michigan Social Services as to moneys paid to you during previous year.
 - 6. All copies of the prior year bank statements (including December) as well the statement(s) from the current month.
 - 7. Family Independence Program (FIP) and/or Food Assistance Program (FAP) statement of benefits.
 - 8. Complete IRS form 4506-T and return it with the application.
- F. Applications may be filed with this office only once annually beginning May 1st each year for the July Board of Review but in any event no later than the day prior to the last day of the Board of Review meeting.

"Section 2"**EVALUATION PROCEDURE**

- A. The Board of Review may review applications without applicant being present. However, the Board may request that any or all applicants be physically present to respond to any questions the Board or Assessor may have. This means that an applicant could be called to appear on short notice.
- B. At this meeting an applicant should be prepared to answer questions regarding their financial affairs, health, the status of people living in their home, etc.
- C. All applicants appearing before the Board will be administered an oath, as follows:

"Do you, _____, swear and affirm that evidence and testimony you will give on your own behalf before the Board of Review is the truth, the whole truth, and nothing but the truth, so help you God."

Applicant responds, "I do" or "I will."

"Section 3"**THREE (3) PART TEST**

The Board will apply a (3) three-part test to determine the eligibility and amount of the exemption.

A. **THE INCOME TEST:** The applicant's total household income cannot exceed the Federal Poverty Guidelines published in the prior calendar year in the Federal Register set forth by the U.S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.

B. **THE ASSET TEST:**

1.

2. A poverty exemption shall not be granted to any applicant whose assets* exceed \$10,000. An applicant's home and automobile shall be excluded from consideration as an asset.

3.

4.

* Cash, stocks, funds, bonds, insurance, coin collections, etc.

C. **THE INCOME FROM OTHER SOURCES TEST:** If the Board of Review determines that the applicant has or should have income from other sources, such as relatives, dependents, friends, they may add this income to the applicant's reported income and if the resulting sum of these incomes is greater than the Federal Poverty Guidelines, then a poverty exemption may be denied. If the amount of this income is added to the applicant's reported income and the resulting sum is less than the Federal Poverty Guidelines, then a poverty exemption may be granted.

"Section 4"**CALCULATION, DISPOSITION, AND REGULATION
OF THIS EXEMPTION**

- A. Meeting the income level and asset guidelines does not guarantee 100% exemption, at their discretion, the Board may approve 25%, 50% or 100% exemption, if deemed appropriate.
- B. The city official and the Board of Review must agree as to the disposition of the poverty claim for the exemption to be granted.
- C. Any successful applicant may be subject to personal investigation by the City. This would be done to verify information submitted or statements made to the Assessor or Board in regard to their poverty tax exemption claim.
- D. The city official will tape and keep minutes of all proceedings before the Board of Review and all meetings must be held in a municipal building.
- E. A person filing a poverty exemption claim is not prohibited from also appealing the assessment on the property for which that claim is made before the March Board of Review in the same year.
- F.
- G. The Board of Review shall follow the policy and guidelines set forth above when granting and denying poverty exemptions. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year. In reviewing the application and all supporting documentation, the Board of Review will consider income, assets, potential earning capacity, and medical conditions of the applicant.

REQUIRED DOCUMENTS

Hardship Exemption applicants shall submit copies of the documents listed below to be considered for eligibility. For each member of the household, please attach copies of the applicable documents to your application.

- MOST CURRENT YEAR FEDERAL INCOME TAX RETURN-1040, 1040a or 1040EZ
- MOST CURRENT YEAR MICHIGAN INCOME TAX RETURN-MI1040, MI1040A or MI1040EZ
- MOST CURRENT YEAR HOMESTEAD PROPERTY TAX MI-1040CR -or- SENIOR CITIZEN HOMESTEAD PROPERTY TAX MI-1040CR-1
- STATEMENT FROM SOCIAL SECURITY ADMINISTRATION and/or THE MICHIGAN SOCIAL SERVICES AS TO MONIES PAID TO APPLICANT(S) DURING THE PREVIOUS CALENDAR YEAR, ALONG WITH A CURRENT FORM 4988 POVERTY EXEMPTION AFFIDAVIT (if this is the sole source of income)
- ALL COPIES OF THE PRIOR YEAR BANK STATEMENTS (INCLUDING DECEMBER) AS WELL AS THE STATEMENT(S) FROM THE CURRENT MONTH
- FAMILY INDEPENDENCE PROGRAM (FIP) and/or FOOD ASSISTANCE PROGRAM (FAP) STATEMENT OF BENEFITS
- COMPLETED IRS FORM 4506-T
- COPY OF DRIVER'S LICENSE OR OTHER FORM OF VALID IDENTIFICATION
- PROOF OF OWNERSHIP-DEED, LAND CONTRACT OR OTHER EVIDENCE OF OWNERSHIP

PLEASE INCLUDE DOCUMENTATION OF INCOME SOURCES FOR ALL MEMBERS OF THE HOUSEHOLD.

Application for MCL 211.7u Poverty Exemption

This form is issued under the authority of the General Property Tax Act, Public Act 206 of 1893, MCL 211.7u.

MCL 211.7u of the General Property Tax Act, Public Act 206 of 1893, provides a property tax exemption for the principal residence of persons who, by reason of poverty, are unable to contribute toward the public charges. This application is to be used to apply for the exemption and must be filed with the Board of Review where the property is located. This application may be submitted to the city or township the property is located in each year on or after January 1.

To be considered complete, this application must: 1) be completed in its entirety, 2) include information regarding all members residing within the household, and 3) include all required documentation as listed within the application. Please write legibly and attach additional pages as necessary.

PART 1: PERSONAL INFORMATION: Petitioner must list all required personal information.

| | | | |
|-----------------------------------------------------------------------------|-----------------|------------------------------------------|-----------------------------|
| Petitioner's Name: | | Daytime Phone Number: | |
| Age of Petitioner: | Marital Status: | Age of Spouse: | Number of Legal Dependents: |
| Property Address of Principal Residence: | | City: | State: ZIP Code: |
| <input type="checkbox"/> Check if applied for Homestead Property Tax Credit | | Amount of Homestead Property Tax Credit: | |

PART 2: REAL ESTATE INFORMATION: List the real estate information related to your principal residence. Be prepared to provide a deed, land contract or other evidence of ownership of the property at the Board of Review meeting.

| | | | |
|---------------------------------------------|------------------|-----------------------------------|--|
| Property Parcel Code Number: | | Name of Mortgage Company: | |
| Unpaid Balance Owed on Principal Residence: | Monthly Payment: | Length of Time at this Residence: | |
| Property Description: | | | |

PART 3: ADDITIONAL PROPERTY INFORMATION: List information related to any other property owned by you or any member residing in the household.

| | | | |
|----------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Check if you own, or are buying, other property. If checked, complete the information below | | Amount of Income Earned from Other Property: | |
| 1 | Property Address: | City: | State: ZIP Code: |
| | Name of Owner(s): | Assessed Value: | Date of Last Taxes Paid: Amount of Taxes Paid: |
| 2 | Property Address: | City: | State: ZIP code: |
| | Name of Owner(s): | Assessed Value: | Date of Last Taxes Paid: Amount of Taxes Paid: |

PART 4: EMPLOYMENT INFORMATION: List your current employment information.

Item 8.

| | | | |
|----------------------|----------------------------|--------|-----------|
| Name of Employer: | | | |
| Address of Employer: | City: | State: | ZIP Code: |
| Contact Person: | Employer Telephone Number: | | |

PART 5: INCOME SOURCES: List all income sources, including but not limited to: salaries, Social Security, rents, pensions, IRAs (individual retirement accounts), unemployment compensation, disability, government pensions, worker's compensation, dividends, claims and judgments from lawsuits, alimony, child support, friend or family contribution, reverse mortgage, or any other source of income, for all persons residing at the property.

| Source of Income | Monthly or Annual Income (indicate which) |
|------------------|----------------------------------------------|
| | |
| | |
| | |

PART 6: CHECKING, SAVINGS AND INVESTMENT INFORMATION: List any and all savings owned by all household members, including but not limited to: checking accounts, savings accounts, postal savings, credit union shares, certificates of deposit, cash, stocks, bonds, or similar investments, for all persons residing at the property.

| Name of Financial Institution or Investments | Amount of Deposit | Current Interest Rate | Name on Account | Value of Investment |
|----------------------------------------------|-------------------|-----------------------|-----------------|---------------------|
| | | | | |
| | | | | |
| | | | | |

PART 7: LIFE INSURANCE: List all policies held by all household members.

| Name of Insured | Amount of Policy | Monthly Payments | Policy Paid in Full | Name of Beneficiary | Relationship to Insured |
|-----------------|------------------|------------------|---------------------|---------------------|-------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

PART 8: MOTOR VEHICLE INFORMATION: All motor vehicles (including motorcycles, motor homes, camper trailers, etc.) held or owned by any person residing within the household must be listed.

| Make | Year | Monthly Payment | Balance Owed |
|------|------|-----------------|--------------|
| | | | |
| | | | |

PART 9: HOUSEHOLD OCCUPANTS: List all persons living in the household.

Item 8.

| First and Last Name | Age | Relationship to Applicant | Place of Employment | \$ Contribution to Family Income |
|---------------------|-----|---------------------------|---------------------|----------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

PART 10: PERSONAL DEBT: List all personal debt for all household members.

| Creditor | Purpose of Debt | Date of Debt | Original Balance | Monthly Payment | Balance Owed |
|----------|-----------------|--------------|------------------|-----------------|--------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PART 11: MONTHLY EXPENSE INFORMATION: The amount of monthly expenses related to the principal residence for each category must be listed. Indicate N/A as necessary.

| | | | |
|-------------------------|-------------------------|----------------------------------|------------------|
| Heating | Electric | Water | Phone |
| Cable | Food | Clothing | Health Insurance |
| Garbage | Daycare | Car Expenses (gas, repair, etc.) | |
| Other (type and amount) | Other (type and amount) | Other (type and amount) | |
| Other (type and amount) | Other (type and amount) | Other (type and amount) | |

NOTICE: Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year must be submitted with this application. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year.

PART 12: POLICY AND GUIDELINES ACKNOWLEDGMENT:

Item 8.

The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines used for the granting of exemptions under MCL 211.7u. In order to be eligible for the exemption, the applicant must meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit so long as the alternative guidelines do not provide income eligibility requirements less than the federal guidelines. The policy and guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets. The combined assets of all persons must not exceed the limits set forth in the guidelines adopted by the local assessing unit.

☐ The applicant has reviewed the applicable policy and guidelines adopted by the city or township, including the specific income and asset levels of the claimant and total household income and assets.

PART 13: CERTIFICATION:

I hereby certify to the best of my knowledge that the information provided in this form is complete, accurate and I am eligible for the exemption from the property taxes pursuant to Michigan Compiled Law, Section 211.7u.

| | | |
|--------------|-----------|------|
| Printed Name | Signature | Date |
| | | |

This application shall be filed after January 1, but before the day prior to the last day of the local unit's December Board of Review.

Decision of the March Board of Review may be appealed by petition to the Michigan Tax Tribunal by July 31 of the current year. A July or December Board of Review decision may be appealed to the Michigan Tax Tribunal by petition within 35 days of decision. A copy of the Board of Review decision must be included with the petition.

Michigan Tax Tribunal
PO Box 30232
Lansing MI 48909

Phone: 517-335-9760
E-mail: taxtrib@michigan.gov

IMPORTANT NOTICE:

Any willful misstatements or misrepresentations made on this form may constitute perjury, which, under the law, is a felony punishable by fine or imprisonment.

IMPORTANT NOTICE:

A COPY OF YOUR LATEST Federal Income Tax Return, State Income Tax Return (MI-1040) and your Homestead Property Tax Credit Claim (MI-1040 CR-1, 2, 3, or 4) **MUST** be attached as proof of income.

NOTE: DO NOT SIGN until notarized by Assessing Department Personnel.

STATE OF MICHIGAN
COUNTY OF OAKLAND

The undersigned, being duly sworn, deposes and says that the statements made in the foregoing application are true and that he has no money, income or property other than that mentioned herein.

Petitioner's Signature

Subscribed and sworn to before me this _____ day of _____, A.D., 20____.

Notary Public, Oakland County, Michigan
Or Assessing Officer

My Commission expires: _____

This application must be returned no later than the day prior to the last day of the Board of Review.

Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

INSTRUCTIONS: When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the Board of Review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the Board of Review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

I, _____, swear and affirm by my signature below that I reside in the principal residence that is the subject of this Application for Poverty Exemption and that for the current tax year and the preceding tax year, I was not required to file a federal or state income tax return.

Address of Principal Residence: _____

Signature of Person Making Affidavit

Date

Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty

This form is issued under the authority of Public Act 253 of 2020.

This form is to be used to affirm ownership, occupancy, and income status. MCL 211.7u(2) provides that, to be eligible for exemption under this section, a person shall, subject to subsection (6) and (8), annually affirm that the applicant owns and occupies, as a principal residence, the property for which an exemption is requested.

PART 1: OWNER INFORMATION — Enter information for the person owning and occupying the residence.

| | | | |
|-----------------|------------------------|-------|----------|
| Owner Name | Owner Telephone Number | | |
| Mailing Address | City | State | ZIP Code |

PART 2: LEGAL DESIGNEE INFORMATION (Complete if applicable.)

| | | | |
|---------------------|--------------------------|-------|----------|
| Legal Designee Name | Daytime Telephone Number | | |
| Mailing Address | City | State | ZIP Code |

PART 3: HOMESTEAD PROPERTY INFORMATION — Enter information for property in which the exemption is being claimed.

| | | | |
|--------------------------------------------------------------------------------------------------|---------------------------------------------------------|-------|----------|
| City or Township (check the appropriate box and enter name) | County | | |
| <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village | | | |
| Name of Local School District | | | |
| Parcel Identification Number | Year(s) Exemption Previously Granted by Board of Review | | |
| Homestead Property Address | City | State | ZIP Code |

PART 4: AFFIRMATION OF OWNERSHIP, OCCUPANCY, AND INCOME STATUS (Check all boxes that apply.)

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> I own the property in which the exemption is being claimed. |
| <input type="checkbox"/> The property in which the exemption is being claimed is used as my homestead. Homestead is generally defined as any dwelling with its land and buildings where a family makes its home. |
| <input type="checkbox"/> After establishing initial eligibility for the exemption, my income and asset status has remained unchanged and/or I receive a fixed income solely from public assistance that is not subject to significant annual increases beyond the rate of inflation, such as federal Supplemental Security Income or Social Security disability or retirement benefits. |

PART 5: CERTIFICATION

I hereby certify to the best of my knowledge that the information provided on this form is true and I am eligible to receive an exemption from property taxes by reason of poverty pursuant to Michigan Compiled Law, Section 211.7u.

| | | |
|--------------------------------------|--------------------------------------|------|
| Owner or Legal Designee Name (print) | Signature of Owner or Legal Designee | Date |
|--------------------------------------|--------------------------------------|------|

Designee must attach a letter of authority.

LOCAL GOVERNMENT USE ONLY (DO NOT WRITE BELOW THIS LINE)

| | |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Approved <input type="checkbox"/> Denied (Attach appeal instructions and provide to owner.) | Tax Year(s) exemption will be posted to tax roll |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|

CERTIFICATION — I certify that, to the best of my knowledge, the information contained in this form is complete and accurate.

| | |
|--------------------|----------------------------|
| Assessor Signature | Date Certified by Assessor |
|--------------------|----------------------------|

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

SUBMITTED TO: Melissa R. Marsh, City Manager

SUBMITTED BY: R. Corey Almas, Director of Public Services DATE: 6/3

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Purchase of 2 Police Patrol Vehicles

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Please see attached. Staff recommends that Council award the purchase of two Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$78,110, under the Oakland County Cooperative Purchasing bid. Funds are budgeted and available.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------------------------|---------------------|------------------------------|
| No Impact | _____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | <u>Vehicles</u> | Department Name | <u>General Fund - Police</u> |
| Appropriated in Acct. No. | <u>101-301-987-0000</u> | Budget Amount | <u>74500</u> |
| Amount Available in Acct. | <u>152745</u> | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT R. Corey Almas, Director of Public Services DATE 6/7/2022

DEPARTMENT Corey K. Haines, DCM/Chief of Police DATE 06/07/22

CITY MANAGER Melissa R. Marsh, City Manager DATE 06/07/22

MEMORANDUM

Item 9.

DATE: June 3, 2022

TO: Melissa R. Marsh, City Manager

FROM: Sean P. Ballantine, Public Works Supervisor
Dan Yamarino, Motor Pool Supervisor
Corey K. Haines, Deputy City Manager/Chief of Police
R. Corey Almas, Director of Public Services

SUBJECT: Purchase – 2 Police Patrol Vehicles

The approved FY 2023 Budget includes the scheduled replacement of two standard police patrol vehicles. Since beginning the conversion of the fleet from the Ford Interceptor Utility model to the Dodge Durango Pursuit, the Durango has proven to be a reliable vehicle, and is an excellent fit for the Police Department.

Vehicles have been extremely difficult to come by in recent months, due to the widely publicized supply chain and microchip shortages. This situation is expected to continue, possibly even worsen into calendar year 2023. We were informed by our government sales representative with Chrysler that he would be taking delivery of a very limited number of Dodge Durango pursuit vehicles as his 2023 model year allocation at the end of June. Considering that the City will not be taking delivery of these vehicles until after July 1, Staff determined that the best course of action would be to seek approval to order them now, while we are able to do so.

Staff therefore recommends that Council award the purchase of two Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$78,110, under the Oakland County Cooperative Purchasing bid. Funds are budgeted and available in the approved FY 2023 Budget.

Department of Public Services

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

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

28400 VAN DYKE AVENUE
WARREN, MI 480937133

Priced Order Confirmation (POC)

Date Printed: 2022-05-19 10:12 AM VIN: 1C4SDJFT9NC192335 Quantity: 01
Estimated Ship Date: 2022-06-17 1:59 AM VON: 52213913 Status: D1 - Gasline: plant has sequenced the unit for production, estimated ship date assigned
Date Ordered: 2021-11-15 11:09 AM Ordered By: S66657A FAN 1:
Date Modified: 2021-12-01 12:09 PM Modified By: S66657A FAN 2:
Client Code:
Bid Number: TB2071
PO Number:
Sold to: Ship to:
GALEANA'S VAN DYKE DODGE (57081) GALEANA'S VAN DYKE DODGE (57081)
28400 VAN DYKE AVENUE 28400 VAN DYKE AVENUE
WARREN, MI 480937133 WARREN, MI 480937133

Vehicle: 2022 DURANGO PURSUIT VEHICLE AWD (WDEE75)

| | Sales Code | Description | MSRP(USD) |
|--------------------|------------|--------------------------------------|-----------|
| Model: | WDEE75 | DURANGO PURSUIT VEHICLE AWD | 37,095 |
| Package: | 22Z | Customer Preferred Package 22Z | 0 |
| | EZH | 5.7L V8 HEMI MDS VVT Engine | 2,985 |
| | DFD | 8-Spd Auto 8HP70 Trans (Buy) | 0 |
| Paint/Seat/Trim: | PXJ | DB Black Clear Coat | 0 |
| | APA | Monotone Paint | 0 |
| | *A7 | Cloth Bucket Seats W/Rear Vinyl | 120 |
| | -X9 | Black | 0 |
| Options: | ADL | Skid Plate Group | 295 |
| | CW6 | Deactivate Rear Doors/Windows | 75 |
| | LNA | Black Right LED Spot Lamp | 515 |
| | LNF | Black Left LED Spot Lamp | 545 |
| | NAS | 50 State Emissions | 0 |
| | 3AH | Price Protection - Code H | 0 |
| | 4NU | Fuel Fill/Battery Charge | 0 |
| | 4FM | Fleet Option Editor | 0 |
| | 4ES | Delivery Allowance Credit | 0 |
| | 2SQ | FCA Fleet Powertrain Care | 0 |
| | YG1 | 7.5 Additional Gallons of Gas | 0 |
| | 4UQ | T3AC | 0 |
| | 4FT | | 0 |
| | 5RG | June Production | 0 |
| | 5N6 | Easy Order | 0 |
| | 4FT | Fleet Sales Order | 0 |
| | 4EA | Sold Vehicle | 0 |
| Non Equipment: | 4KA | Special Bid Handling | 0 |
| | 4FA | Special Bid-Ineligible For Incentive | 0 |
| | 4DH | Prepaid Holdback | 0 |
| | MAF | Fleet Purchase Incentive | 0 |
| Bid Number: | TB2071 | Government Incentives | 0 |
| Special Equipment: | 99595A | | 0 |
| Destination Fee: | | | 1,595 |

Total Price: 43,235

QUOTE

DATE 05-31-2022

\$39,055.00

GLENN BUTTERWORTH, FLEET MGR. 

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.

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

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Tim Burns, Assistant City Attorney DATE: 04/05/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Ordinance 2181 - Medical Marijuana Ordinance Amendment

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

Sec 7-406(b) of the City's Ordinances, Council may adopt a resolution to establish the periods for accepting new applications for combined medical and adult-use marihuana establishments where such licenses are available to be issued. At Council's direction, City staff are working to initiate a new application period for the remaining license for a combined and co-located medical and adult-use marihuana facility. Scoring and selection of such a facility according to Section 7-408 of Article XVII Marihuana Establishments shall be determined by the criteria provided for in Article XVI Medical Marihunan Facilities Sec 7-308

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|----------|---------------------|-------|
| No Impact | _____ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | <u>0</u> | Budget Amount | _____ |
| Second Account Number | _____ | Revenue Generated | _____ |
| Amount Available in 2 nd Acct. | _____ | | |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Tim Burns, Assistant City Attorney DATE 05/26/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R.Marsh, City Manager DATE 06/02/22



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

SCORING OF APPLICATIONS

The City will assess, evaluate, score, and rank all eligible applications ~~for consideration of the issuance of one additional marijuana facility. and issue city licenses to those applicants receiving the highest total score. In its application assessment, evaluation, scoring, ranking, and deliberations, t~~The City will assess, evaluate, score and rank each application based upon a scoring and ranking procedure that will be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest overall total score as zero (0) points and the highest possible total score being two hundred (200) points. Consideration will only be given to the applicant that received the highest score totaling above 170 points. If no application receives a score higher than 170 in this process, the City reserves the right to reject all applications.

There are ten (10) categories in which applications can be awarded points as established by City Ordinance. Points in each category will be assigned based on the application materials presented to the City.- An Applicant may supplement each of the ten (10) categories by attaching supplemental materials pertinent to each related category.- Supplemental materials shall be limited to no more than ten (10) pages for each category.- An Applicant desiring to supplement a category shall index each category separately as "SCORING SUPPLEMENT 1-10" using the included scoring supplement attachments supplied with this application.- All Scoring Supplements must be organized chronologically and each individual Scoring Supplement must be separately bound. (do not use paperclips)



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

MEDICAL MARIHUANA FACILITY APPLICATION SCORING RUBRIC

Applicant ID#: _____

| SCORING CATEGORIES AND POINTS | AVAILABLE POINTS | AWARDED POINTS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------|
| (1) The content and sufficiency of the information provided by Applicant in the application. | ten (10) points | |
| (2) The proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare or safety of residents or abutting properties. <u>All proposals must be entirely located in the designated "green" zone from the map approved by City Council on 03/09/2020.</u> | ten (10) points | |
| (3) Neighborhood outreach <u>physical area improvement</u> of the Applicant: (A) Whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area; (15 points) (B) Planned outreach including plans to make significant physical improvements to local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the City. (5 points) | twenty (20) points | |
| (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders: (A) Whether the Applicant or any of its stakeholders have a <u>clean</u> record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; (5 points) (B) Whether the Applicant or any of its stakeholders have any other professional licenses, including by way of example, but not limited to, such licenses as a medical doctor, lawyer or accountants; owned similar marihuana industry businesses in the nation with solid business practices (150 points) (C) Whether the Applicant or any of its stakeholders are residents of the City or Oakland County. (5 pints) | twenty (20) points | |



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

(5) Capital improvement to the proposed facility and/or the City. This includes, but is not limited to:

(A) The total overall capital investment in funds to be invested in the renovations to the ~~property-parcel that will house the proposed marijuana business~~ including the increase in taxable value, the overall investment in equipment, fixtures, and other related items; ~~(1 point for each million not including purchase price, demo or rent, up to (20 points)~~

(B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant; (10 maximum points, 2 points for every year vacant)

(C) How significant the upgrades or renovations to the property are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a location or site that may involve a ~~Brownfield derelict property; site or other like condition on the property;~~ the overall size of the site and building or buildings of the proposed renovations; (6 points)

(D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and ~~storm~~water management design and plans ~~that improve green infrastructure of the city;~~ (4 points)

(E) The extent of, and additions to or extra security measures taken above the minimum-security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana; (5 points)

(F) The extent of upgrades and renovations to the landscaping, parking, lighting and similar to the site and surrounding area. (5 points)

fifty (50) points

(6) Business and financial strength:

(A) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; ~~(105 points)~~

(B) Whether Applicant or its stakeholders have ~~disclosed the total investment dollar amount and supplied supporting documentation to support the estimate. other established business operations in the City, Oakland County or State of Michigan and any relevant connection these operations have to Medical Marihuana Facilities and the length of operations of these other business operations;~~ (10 points)

~~(C) Whether Applicant and its stakeholders have reasonably and tangibly disclosed its funding sources and relevant background of those funding sources;~~ (5 points)

twenty (20) points



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--|
| <p>(7) Employment:</p> <p>(A) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City; (5 points)</p> <p><u>0-25 employees = 1 pt 26-50 employees = 2 pts 51-75 employees = 3 pts</u></p> <p><u>76-100 employees = 4 pts 101+ employees = 5 pts</u></p> <p>(B) Whether Applicant has articulated plans or strategies in providing competitive compensation, benefits or educational programs to its employees. (5 points)</p> | <p>ten (10) points</p> | |
| <p>(8) Whether the Applicant has obtained State pre-qualifications <u>for Medical Marihuana facilities, under the MMFLA, and State licenses for Adult-Use establishments, under the MRTMA,</u> at its proposed location in the City, and plans to co-locate a <u>Medical Marihuana Class C Grower, a Processor and Provisioning Center and Adult-Use Marihuana Class C Grower, a Processor and Retailer</u> at a single location or site within the City.</p> <p><u>(40 points for Application that co-locates more than six (6+) licenses [Multiple Class C Grower]</u></p> <p><u>(340 Points for Application that co-locates three-six (63) facilities/licenses)</u></p> <p><u>(20 Points for Application that co-locates two-three (32) facilities/licenses)</u></p> <p><u>(10 Points for Application that proposes one-two (24) facility/licenses)</u></p> <p><u>Must have minimum of co-located Medical Marihuana Provisioning + Adult Use Retailer.</u></p> | <p>forty (40) points</p> | |
| <p>(9) Whether the planned signage for the proposed location is detrimental to the public health, security, safety, morals, good order, general public welfare or image of the City or is of a nature that is consistent with the land use for the surrounding neighborhood and of such a design and location that is in harmony with the purpose and intent of this Article. This includes, but is not limited to, the size, location, construction materials of the sign and/or design of the sign, logos, or lighting.</p> | <p>ten (10) points</p> | |
| <p>(10) Community outreach:</p> <p>(A) Whether Applicant has planned community outreach to the City and its residents. This includes, but is not limited to, planned outreach or educational services, charitable or philanthropic activity, community improvement or educational programs, or other factors that will improve the health, safety, and welfare of the City and its residents; (5 points)</p> <p>(B) Whether Applicant has planned community outreach that will directly benefit the City, City programs, City services, City facilities or City operations. (5 points)<u>Applicant agrees that is selected, issuance and renewal of Licenses is contingent on joining and participating in the city's Marihuana Community Advisory Committee. Licenses agree to donate \$25,000 annually plus provide 1% of annual net profits for the Marihuana Community Advisory Committee payable to the City of Madison Heights. Further the applicant will appoint one member to</u></p> | <p>ten (10) points</p> | |

Formatted Table



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

serve on the Community Advisory Committee for the review and consideration of funding awards and community outreach.



City of Madison Heights, Michigan

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

SCORING OF APPLICATIONS

The City will assess, evaluate, score, and rank all eligible applications for consideration of the issuance of one additional marijuana facility. The City will assess, evaluate, score and rank each application based upon a scoring and ranking procedure that will be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest overall total score as zero (0) points and the highest possible total score being two hundred (200) points. Consideration will only be given to the applicant that received the highest score totaling above 170 points. If no application receives a score higher than 170 in this process, the City reserves the right to reject all applications.

There are ten (10) categories in which applications can be awarded points as established by City Ordinance. Points in each category will be assigned based on the application materials presented to the City. An Applicant may supplement each of the ten (10) categories by attaching supplemental materials pertinent to each related category. Supplemental materials shall be limited to no more than ten (10) pages for each category. An Applicant desiring to supplement a category shall index each category separately as "SCORING SUPPLEMENT 1-10" using the included scoring supplement attachments supplied with this application. All Scoring Supplements must be organized chronologically, and each individual Scoring Supplement must be separately bound. (do not use paperclips)



City of Madison Heights, Michigan

Item 10.

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

MEDICAL MARIHUANA FACILITY APPLICATION SCORING RUBRIC

Applicant ID#: _____

| SCORING CATEGORIES AND POINTS | AVAILABLE POINTS | AWARDED POINTS |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------|
| (1) The content and sufficiency of the information provided by Applicant in the application. | ten (10) points | |
| (2) The proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare, or safety of residents or abutting properties. All proposals must be entirely located in the designated “green” zone from the map approved by City Council on 03/09/2020. | ten (10) points | |
| <p>(3) Neighborhood physical area improvement of the Applicant:</p> <p>(A) Whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area; (15 points)</p> <p>(B) Planned outreach including plans to make significant physical improvements to local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the City. (5 points)</p> | twenty (20) points | |
| <p>(4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders:</p> <p>(A) Whether the Applicant or any of its stakeholders have a clean record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; (5 points)</p> <p>(B) Whether the Applicant or any of its stakeholders have owned similar marihuana industry businesses in the nation with solid business practices (15 points)</p> | twenty (20) points | |



City of Madison Heights, Michigan

Item 10.

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--|
| <p>(5) Capital improvement to the proposed facility and/or the City. This includes, but is not limited to:</p> <p>(A) The total overall capital investment in funds to be invested in the renovations to the parcel that will house the proposed marijuana business including the increase in taxable value, the overall investment in equipment, fixtures, and other related items; (1 point for each million not including purchase price, demo or rent, up to 20 points)</p> <p>(B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant; (10 maximum points, 2 points for every year vacant)</p> <p>(C) How significant the upgrades or renovations to the property are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a location or site that may involve a derelict property; the overall size of the site and building or buildings of the proposed renovations; (6 points)</p> <p>(D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and stormwater management design and plans that improve green infrastructure of the City; (4 points)</p> <p>(E) The extent of, and additions to or extra security measures taken above the minimum-security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana; (5 points)</p> <p>(F) The extent of upgrades and renovations to the landscaping, parking, lighting and similar to the site and surrounding area. (5 points)</p> | fifty (50) points | |
| <p>(6) Business and financial strength:</p> <p>(A) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; (10 points)</p> <p>(B) Whether Applicant or its stakeholders have disclosed the total investment dollar amount and supplied supporting documentation to support the estimate. ; (10 points)</p> | twenty (20) points | |



City of Madison Heights, Michigan

Item 10.

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

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

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

www.madison-heights.org

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--|
| <p>(7) Employment:</p> <p>(A) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City; (5 points)</p> <p>0-25 employees = 1 pt 26-50 employees = 2 pts 51-75 employees – 3 pts</p> <p>76-100 employees = 4 pts 101+ employees = 5 pts</p> <p>(B) Whether Applicant has articulated plans or strategies in providing competitive compensation, benefits or educational programs to its employees. (5 points)</p> | <p>ten (10) points</p> | |
| <p>(8) Whether the Applicant has obtained State pre-qualifications for Medical Marihuana facilities, under the MMFLA, and State licenses for Adult-Use establishments, under the MRTMA, at its proposed location in the City, and plans to co-locate a Medical Marihuana Class C Grower, a Processor and Provisioning Center and Adult-Use Marihuana Class C Grower, a Processor and Retailer at a single location or site within the City.</p> <p>(40 points for Application that co-locates more than six (6+) licenses [Multile Class C Grower]</p> <p>(30 Points for Application that co-locates six (6) licenses)</p> <p>(20 Points for Application that co-locates three (3) licenses)</p> <p>(10 Points for Application that proposes two (2) licenses)</p> <p>Must have minimum of co-located Medical Marihuana Provisioning + Adult Ust Retailer.</p> | <p>forty (40) points</p> | |
| <p>(9) Whether the planned signage for the proposed location is detrimental to the public health, security, safety, morals, good order, general public welfare or image of the City or is of a nature that is consistent with the land use for the surrounding neighborhood and of such a design and location that is in harmony with the purpose and intent of this Article. This includes, but is not limited to, the size, location, construction materials of the sign and/or design of the sign, logos, or lighting.</p> | <p>ten (10) points</p> | |
| <p>(10) Community outreach:</p> <p>Applicant agrees that if selected, issuance and renewal of Licenses is contingent on joining and participating in the City's Marihuana Community Advisory Committee. Licenses agree to donate \$25,000 annually plus provide 1% of annual net profits for the Marihuana Community Advisory Committee payable to the City of Madison Heights. Further the applicant will appoint one member to serve on the Community Advisory Committee for the review and consideration of funding awards and community outreach.</p> | <p>ten (10) points</p> | |

ORDINANCE NO.

2181CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGANAMENDMENT TO THE CODE OF
ORDINANCES

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Article XVI, Chapter 7, Section 7-308 of the Code of Ordinances, City of Madison Heights, Michigan, to set the number of licenses for allowed Medical Marihuana Facilities and to amend ~~the community outreach provisions for Medical scoring criteria for Medical~~ Marihuana Facilities, to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS

ORDAINS: SECTION 1. Amendment.

That Article XVI, Chapter 7, Section 7-308(c)(10) of the Code of Ordinances, City of Madison Heights, Michigan, are amended in their entirety to read as follows:

ARTICLE XVI. – MEDICAL MARIHUANA

FACILITIES

Sec. 7-308. – Scoring and Selecting Applicants.

- (a) ~~In the event the City receives more eligible applications for a specific type of city license than is authorized by the City, T~~he City shall select the Applicant or Applicants most suitable to operate its facility based on an objective and competitive process. This process is subject to the provisions of this Section. ~~This process is only necessary if the City receives more eligible applications than is authorized for any given type of Medical Marihuana Facility.~~
- (b) A three person panel consisting of the City Manager, City Attorney, and Chairperson of the City's Planning Commission, or their designees, on behalf of the City ~~The City~~ shall assess, evaluate, score, and rank all impacted applications and authorize the City's issuance of all Marihuana ~~city~~ licenses to those Applicants receiving the highest score. In its application assessment, evaluation, scoring, ranking, and deliberations, the City shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the City consistent with the requirements, conditions, and provisions of this Section. The detailed scoring and ranking system shall be provided to each Applicant and included in the application materials developed by the City.
- (c) Initial scoring and ranking shall be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest

Formatted: Centered, Indent: Left: 2.31", Right: 2.28", Space Before: 3.75 pt, Line spacing: Exactly 13.55 pt, Tab stops: 4.31", Left

overall total score as zero (0) points and the highest possible total score being two hundred (200) points. In the City's selection process, if no application receives a score higher than 170 in this process, the City reserves the right to reject all applicants.

Formatted: Not Expanded by / Condensed by

Scoring categories include, and are limited to the following scoring points and criteria:

Formatted: Indent: Hanging: 0.08"

- (1) The content and sufficiency of the information provided by Applicant in the application. The maximum number of scoring points in this category shall be ten (10) points;
- (2) Whether the Applicant's proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare or safety of residents or abutting properties. All proposals must be entirely located in the designated "green" zone from the map approved by City Council. The maximum number of scoring points in this category shall be ten (10) points;
- (3) Planned neighborhood ~~outreach~~ physical area improvement on behalf of the Applicant, and whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area. Planned outreach may also include plans to make significant physical improvements to other local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the surrounding area. The maximum number of scoring points in this category shall be twenty (20) points.
- (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders; Whether the Applicant or any of its stakeholders have a clean record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; Whether the Applicant or any of its stakeholders have ~~any other professional licenses, including by way of example, but not limited to, such licenses as a medical doctor, lawyer or accountant;~~ owned similar marihuana industry businesses in the nation with solid business practices. Whether the Applicant or any of its stakeholders are residents of the City or of Oakland County. The maximum number of scoring points in this category shall be twenty (20) points.
- (5) Whether Applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility, the surrounding neighborhood, and/or the City. This includes, but is not limited to:
 - (A) The total overall capital investment in funds to be invested in the renovations to the ~~property~~ parcel that will house the proposed marijuana business including the increase in taxable value, and surrounding area including the overall investment in equipment, fixtures, and other related items;

Formatted: Font: Times New Roman, 12 pt

- (B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant;
- (C) How significant the upgrades or renovations to the property and surrounding area are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a location or site that may involve a Brownfield–derelict property involved site or other like condition on the property; the overall size of the site and building or buildings of the proposed renovations;
- (D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and stormwaterwaste management design and plans that improve green infrastructure of the city;

- (E) The extent of, and additions to or extra security measures taken above the minimum security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana;
- (F) The extent of upgrades and renovations to the landscaping, parking, lighting and similar to the site and surrounding area.

The maximum number of scoring points in this category shall be fifty (50) points.

- (6) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; Whether Applicant or its stakeholders have ~~other established business operations in the City, Oakland County or State of Michigan and any relevant connection these operations have to Medical Marihuana Facilities and the length of operation of these other business operations~~disclosed the total investment dollar amount and supplied supporting documentation to support the estimate; Whether Applicant and its stakeholders have reasonably and tangibly disclosed its funding sources and relevant background of those funding sources; The maximum number of scoring points in this category shall be twenty (20) points;
- (7) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City. Whether Applicant has articulated plans or strategies in providing competitive compensation, benefits or educational programs to its employees. The maximum number of scoring points in this category shall be ten (10) points;
- (8) Whether Applicant has obtained, is likely to obtain, or plans on obtaining additional City Licenses and State operating licenses, under the MMFLA and Michigan Regulation and Taxation of Marihuana Act (MRTMA), at its proposed location in the City to co-locate a Medical Marihunan Facility Class C Grower, a Processor and Provisioning Center and Adult-Use Marihuana establishment Class C Grower Processor and Retailer at a single location or site within the City. Applications that incorporate, or co-locate, a licensed Class-C grower, licensed processor and licensed provisioning center and retailer in the same location, in strict compliance with the conditions and provisions of the MMFLA, MRTMA the Administrative Rules and this Article and Article VII in Section 7 of the City's Code of Ordinances for the operation of these ~~three~~ separate licenses at the same location, for each type of license, shall be considered more preferential than single license locations for these specific types of licenses. The maximum number of scoring points in this category shall be forty (40) points;
- (9) Whether the planned signage for the proposed location is detrimental to the public health, security, safety, morals, good order, general public welfare or image of the City or is of a nature that is consistent with the land use for the surrounding neighborhood and of such a design and location that is in harmony with the purpose

and intent of this Article. This includes, but is not limited to, the size, location, construction materials of the sign and/or design of the sign, logos, or lighting. The maximum number of scoring points in this category shall be ten (10) points.

- (10) Applicant agrees that is selected, issuance and renewal of Licenses is contingent on joining and participating in the city's Marihuana Community Advisory Committee. Licenses agree to donate \$25,000 annually plus provide 1% of annual net profits for the Marihuana Community Advisory Committee payable to the City of Madison Heights. Further the applicant will appoint one-member to serve on the Community Advisory Committee for the review and consideration of funding awards and community outreach. Whether Applicant has planned community outreach to the City and its residents.

Formatted

Formatted: Justified, Indent: Left: 0.32", Hanging: 0.5", Right: 0.03", Tab stops: 0.81", Left + Not at 1.07"

This includes, but is not limited to, planned outreach or educational services, charitable or philanthropic activity, community improvement or educational programs, or other factors that will improve the health, safety, and welfare of the City, its residents, and the surrounding area. The maximum number of scoring points in this category shall be ten (10) points.

Formatted

Formatted

- (d) The City may engage professional expert assistance in performing the City's duties and responsibilities under this Section.
- (e) After the City has processed and scored all eligible applications, the City shall prepare a summary and report listing the overall score and basis for this determination for all eligible applications. The City shall then notify the selected Applicants of the granting or denial of a license.
- (f) The City may establish additional application periods for Applicants seeking new licenses for eligible medical marihuana facilities within the City, as needed, via resolution of City Council.
- (g) Any City license issued under this Article must be established and a Certificate of Occupancy issued within six months of issuance, unless extended for good cause shown, or the licensee shall surrender the license if the use is not established within the required time.

- (g) Any City license issued under this Article must be established, a Certificate of Occupancy issued, and full compliance achieved in accordance with its application for such license and any relevant City ordinances regulating Marihuana Licensees within six months of issuance. Licensees delinquent in satisfying the requirements of this Section within the required time shall either post a surety bond of fifty thousand (\$50,000.00) dollars to assure imminent compliance or immediately surrender the license. Upon filing a surety bond, Licensee has an additional ninety (90) days to achieve compliance with the requirements of this Section or the surety bond amount shall be forfeited to the City and the license revoked. Licensee may appeal such a revocation to a hearing officer appointed by the City Council as allowed under Sec 7-33. The surety bond amount will be returned to the Licensee within twenty (20) days of compliance with this Section if it has not been forfeited. The City may extend the time periods for Licensee compliance of this Section at sole discretion of City Manager for extraordinary circumstances. Failure by a Licensee to post a surety bond or relinquish a license in accordance with the provisions of this Section

Formatted: Indent: Left: 0.08", Hanging: 0.5", Right: 0.03", Space After: 0 pt, Line spacing: single, Tab stops: 0.57", Left

Formatted

| are punishable pursuant to Sec 1-7.

SECTION 2. Repealer.

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

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

ORDINANCE NO.
2181
CITY OF MADISON HEIGHTS,
OAKLAND COUNTY,
MICHIGAN

**AMENDMENT TO THE CODE OF
ORDINANCES**

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Article XVI, Chapter 7, Section 7-308 of the Code of Ordinances, City of Madison Heights, Michigan, to set the number of licenses for allowed Medical Marihuana Facilities and to amend scoring criteria for Medical Marihuana Facilities, to protect the public health, safety and welfare.

THE CITY OF MADISON HEIGHTS

ORDAINS: SECTION 1. Amendment.

That Article XVI, Chapter 7, Section 7-308(c)(10) of the Code of Ordinances, City of Madison Heights, Michigan, are amended in their entirety to read as follows:

ARTICLE XVI. – MEDICAL MARIHUANA

FACILITIES

Sec. 7-308. – Scoring and Selecting Applicants.

- (a) The City shall select the Applicant or Applicants most suitable to operate its facility based on an objective and competitive process. This process is subject to the provisions of this Section.
- (b) A three person panel consisting of the City Manager, City Attorney, and Chairperson of the City's Planning Commission, or their designees, on behalf of the City shall assess, evaluate, score, and rank all impacted applications and authorize the City's issuance of all Marihuana licenses to those Applicants receiving the highest score. In its application assessment, evaluation, scoring, ranking, and deliberations, the City shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the City consistent with the requirements, conditions, and provisions of this Section. The detailed scoring and ranking system shall be provided to each Applicant and included in the application materials developed by the City.
- (c) Initial scoring and ranking shall be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest overall total score as zero (0) points and the highest possible total score being two hundred (200) points. In the City's selection process, if no application receives a score higher than 170 in this process, the City reserves the right to reject all applicants.

Scoring categories include, and are limited to the following scoring points and criteria:

- (1) The content and sufficiency of the information provided by Applicant in the application. The maximum number of scoring points in this category shall be ten (10) points;
- (2) Whether the Applicant's proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare or safety of residents or abutting properties. All proposals must be entirely located in the designated "green" zone from the map approved by City Council. The maximum number of scoring points in this category shall be ten (10) points;
- (3) Planned neighborhood physical area improvement on behalf of the Applicant, and whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area. Planned outreach may also include plans to make significant physical improvements to other local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the surrounding area. The maximum number of scoring points in this category shall be twenty (20) points.
- (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders; Whether the Applicant or any of its stakeholders have a clean record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; Whether the Applicant or any of its stakeholders have owned similar marihuana industry businesses in the nation with solid business practices. The maximum number of scoring points in this category shall be twenty (20) points.
- (5) Whether Applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility, the surrounding neighborhood, and/or the City. This includes, but is not limited to:
 - (A) The total overall capital investment in funds to be invested in the renovations to the parcel that will house the proposed marijuana business including the increase in taxable value, including the overall investment in equipment, fixtures, and other related items;
 - (B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant;
 - (C) How significant the upgrades or renovations to the property and surrounding area are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a

location or site that may involve a derelict property involved site or other like condition on the property; the overall size of the site and building or buildings of the proposed renovations;

- (D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and stormwater management design and plans that improve green infrastructure of the city;

- (E) The extent of, and additions to or extra security measures taken above the minimum security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana;
- (F) The extent of upgrades and renovations to the landscaping, parking, lighting and similar to the site and surrounding area.

The maximum number of scoring points in this category shall be fifty (50) points.

- (6) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; Whether Applicant or its stakeholders have disclosed the total investment dollar amount and supplied supporting documentation to support the estimate; Whether Applicant and its stakeholders have reasonably and tangibly disclosed its funding sources and relevant background of those funding sources; The maximum number of scoring points in this category shall be twenty (20) points;
- (7) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City. Whether Applicant has articulated plans or strategies in providing competitive compensation, benefits or educational programs to its employees. The maximum number of scoring points in this category shall be ten (10) points;
- (8) Whether Applicant has obtained, is likely to obtain, or plans on obtaining additional City Licenses and State operating licenses, under the MMFLA and Michigan Regulation and Taxation of Marihuana Act (MRTMA), at its proposed location in the City to co-locate a Medical Marihuana Facility Class C Grower, a Processor and Provisioning Center and Adult-Use Marihuana establishment Class C Grower Processor and Retailer at a single location or site within the City. Applications that incorporate, or co-locate, a licensed Class-C grower, licensed processor and licensed provisioning center and retailer in the same location, in strict compliance with the conditions and provisions of the MMFLA, MRTMA the Administrative Rules and this Article and Article VII in Section 7 of the City's Code of Ordinances for the operation of these separate licenses at the same location, for each type of license, shall be considered more preferential than single license locations for these specific types of licenses. The maximum number of scoring points in this category shall be forty (40) points;
- (9) Whether the planned signage for the proposed location is detrimental to the public health, security, safety, morals, good order, general public welfare or image of the City or is of a nature that is consistent with the land use for the surrounding neighborhood and of such a design and location that is in harmony with the purpose

and intent of this Article. This includes, but is not limited to, the size, location, construction materials of the sign and/or design of the sign, logos, or lighting. The maximum number of scoring points in this category shall be ten (10) points.

- (10) Applicant agrees that is selected, issuance and renewal of Licenses is contingent on joining and participating in the city's Marihuana Community Advisory Committee. Licenses agree to donate \$25,000 annually plus provide 1% of annual net profits for the Marihuana Community Advisory Committee payable to the City of Madison Heights. Further the applicant will appoint one-member to serve on the Community Advisory Committee for the review and consideration of funding awards and community outreach. The maximum number of scoring points in this category shall be ten (10) points.
- (d) The City may engage professional expert assistance in performing the City's duties and responsibilities under this Section.
- (e) After the City has processed and scored all eligible applications, the City shall prepare a summary and report listing the overall score and basis for this determination for all eligible applications. The City shall then notify the selected Applicants of the granting or denial of a license.
- (f) The City may establish additional application periods for Applicants seeking new licenses for eligible medical marihuana facilities within the City, as needed, via resolution of City Council.
- (g)
- (g) Any City license issued under this Article must be established, a Certificate of Occupancy issued, and full compliance achieved in accordance with its application for such license and any relevant City ordinances regulating Marihuana Licensees within six months of issuance. Licensees delinquent in satisfying the requirements of this Section within the required time shall either post a surety bond of fifty thousand (\$50,000.00) dollars to assure imminent compliance or immediately surrender the license. Upon filing a surety bond, Licensee has an additional ninety (90) days to achieve compliance with the requirements of this Section or the surety bond amount shall be forfeited to the City and the license revoked. Licensee may appeal such a revocation to a hearing officer appointed by the City Council as allowed under Sec 7-33. The surety bond amount will be returned to the Licensee within twenty (20) days of compliance with this Section if it has not been forfeited. The City may extend the time periods for Licensee compliance of this Section at sole discretion of City Manager for extraordinary circumstances. Failure by a Licensee to post a surety bond or relinquish a license in accordance with the provisions of this Section are punishable pursuant to Sec 1-7.

SECTION 2. Repealer.

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

SECTION 3. Severability.

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

SECTION 4. Savings.

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

SECTION 5. Effective Date.

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

SECTION 6. Inspection.

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

CITY OF MADISON HEIGHTS ELECTRONIC COUNCIL AGENDA REQUEST FORM

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Tim Burns, Assistant City Attorney DATE: 05/26/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Ordinance No. 2183 - 2021 Property Maintenance Code - First Reading

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

The Property Maintenance Code is the Code we use to inspect and maintain all our existing structures and property in the City. Attached is a proposed Ordinance No. adopting the ICC Property Maintenance Code, 2021 Edition.

Assistant City Attorney, Tim Burns has reviewed the Ordinance. Staff recommends City Council adopted Ordinance , on first reading by number and title only, with second reading scheduled for June 27, 2022.

FINANCIAL IMPACT

| | |
|----------------------------------------------------------------|---------------------------|
| No Impact ✓ | Fee Waiver Proposed _____ |
| Budgeted Fund Name(s) _____ | Department Name _____ |
| Appropriated in Acct. No. _____ | Budget Amount _____ |
| Amount Available in Acct. 0 | Budget Amount _____ |
| Second Account Number _____ | Revenue Generated _____ |
| Amount Available in 2 nd Acct. _____ | |
| Other Comments _____ | |

REVIEW CHECKLIST

DEPARTMENT Tim Burns, Assistant City Attorney DATE 05/26/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R.Marsh, City Manager DATE 05/26/22

**CITY OF MADISON HEIGHTS
ORDINANCE NO. 2183**

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 Chapter 6, Article VII, to adopt a property maintenance code to insure the public health, safety, and welfare.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

The existing sections 6-141 and 6-142 of Article VII of Chapter 6 of the Madison Heights Code of Ordinances are hereby repealed and the following new sections are hereby adopted to stand in their place:

**ARTICLE VII. PROPERTY MAINTENANCE CODE
DIVISION 1. GENERALLY**

Sec. 6-141. - Adoption.

There is hereby adopted by reference the International Property Maintenance Code, 2021 Edition, as promulgated, published and approved by the International Code Council, Inc., together with all amendments, references and supplements are hereby adopted by reference as if fully set forth herein except as otherwise set out in the Code of Ordinances; provided, that any provisions thereof are not in conflict of any provisions of this Code of Ordinances. The building official is designated as the enforcing agent to discharge the responsibilities and enforce the provisions of this code.

Sec. 6-142. - Amendments, deletions and additions.

The following sections and subsections of the International Property Maintenance Code, 2021 Edition, are hereby amended or deleted, and additional sections and subsections are added as hereinafter set forth. Subsequent section numbers used herein shall refer to the like numbered sections or subsections of the International Property Maintenance Code:

THE REMAINDER OF THIS SECTION IS UNALTERED AND REMAINS IN FULL FORCE AND EFFECT AS IT WAS PRIOR TO THIS AMENDMENT.

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

SUBMITTED TO: Honorable Mayor and City Council

SUBMITTED BY: Tim Burns, Assistant City Attorney DATE: 06/08/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 06/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Ordinance No. 2186 - 2021 International Fire Code - First Reading

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

The City's Code of Ordinances incorporates by reference the International Fire Code for establishing the standards for regulating and governing the safeguarding of life and property from fire and explosive hazards. The International Fire Code is routinely updated every few years and this amendment updates referencing to the most recently published standards.

Assistant City Attorney, Tim Burns has reviewed the Ordinance. Staff recommends City Council adopted by reference Ordinance 2186, 2021 edition of the International Fire Code, on first reading by number and title only,

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|-------------------------------------|---------------------|-------|
| No Impact | <input checked="" type="checkbox"/> | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | 0 | Budget Amount | _____ |
| Second Account Number | _____ | Revenue Generated | _____ |
| Amount Available in 2 nd Acct. | _____ | | |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Tim Burns, Assistant City Attorney DATE 06/08/22

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa R.Marsh, City Manager DATE 06/08/22

ORDINANCE NO. 2186**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN****AMENDMENT TO THE CODE OF ORDINANCES**

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Chapter 12-26 and 12-27, of the Code of Ordinances to adopt by reference the 2021 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, and G, as published by the International Code Council, to protect the public health, safety, welfare and property within the City of Madison Heights.

THE CITY OF MADISON HEIGHTS ORDAINS:**Sec. 12-26. – Adoption of fire prevention code.**

A certain document, a copy of which is on file in the office of the City Clerk of the City of Madison Heights, being marked and designated as the 2021 Edition of the International Fire Code, including Appendix Chapters B, C, D, E, F, G, and H, as published by the International Code Council, is hereby adopted by reference as the code of the City of Madison Heights for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Madison Heights and providing for the issuance of permits for fire suppression systems, fire alarm systems and other uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2021 Edition, published by the International Code Council, on file in the office of the City Clerk are hereby referred to, adopted and made a part hereof as if fully set forth in this chapter.

Sec. 12-27. - Amendments to the 2021 Edition of the International Fire Code.

The following sections of the 2021 Edition of the International Fire Code are amended, deleted, supplemented, or additional sections added as follows:

THE REMAINDER OF THIS SECTION IS UNALTERED AND REMAINS IN FULL FORCE AND EFFECT AS IT WAS PRIOR TO THIS AMENDMENT.

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

SUBMITTED TO: Melissa Marsh - City Manager

SUBMITTED BY: Giles Tucker - CED Director DATE: 6/1/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

Rezoning Request PRZN 22-01(Ordinance No. 2184) - Rezone 30151, 30171 and 30183 Dequindre Road from R-3, One-Family Residential, to R-M, Multiple-Family Residential.

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

First Reading. The applicant, Hudson Madison II LLC, requests to rezone three (3) parcels of land at 30151, 30171 and 30183 Dequindre Road (PIN Numbers 44-25-12-280-027, 44-25-12-280-026, and 44-25-280-025) from R-3, One-Family Residential, to R-M, Multiple Family Residential. The subject properties are located on the west side of Dequindre Road, south of Oakland Drive.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|--------|---------------------|-------|
| No Impact | _____✓ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | _____ | | |

REVIEW CHECKLIST

DEPARTMENT Giles Tucker, CED Director DATE 06/01/2022

DEPARTMENT _____ DATE _____

CITY MANAGER Melissa Marsh, City Manager DATE _____



MEMORANDUM

Date: June 1st, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Rezoning Request PRZN 22-01 (Ordinance 2184) – 30151, 30171 and 30183 Dequindre Road – First Reading

Introduction

The applicant, Hudson Madison II LLC, requests to rezone three (3) parcels of land at **30151, 30171 and 30183 Dequindre Road** (PIN Numbers 44-25-12-280-027, 44-25-12-280-026, and 44-25-280-025) from **R-3, One-Family Residential, to R-M, Multiple Family Residential**. The subject properties are located on the west side of Dequindre Road, south of Oakland Drive.

Background

The three subject properties contain a total of 2.86 acres and are improved with single-family detached homes and their accessory structures. The applicant requests a rezoning to R-M in order to construct a senior living, assisted living and memory care facility on site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. Note that approval of the rezoning does not constitute special use or site plan approval.

Per the Zoning Ordinance, the R-M zoning district is, *“designed to provide sites for multiple-dwelling structures which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts and is further provided to serve the limited needs for the apartment type of unit in an otherwise single-family residential community.”*

City Council should consider all of the potential uses that could be developed on this site if it were to be zoned R-M. Uses permitted by right within the R-M district include one and two-family dwellings, multiple-dwellings, and rental/management offices accessory to multiple-dwelling unit developments. Uses permitted as a special use include convalescent homes and general hospitals.

When reviewing a rezoning request, the City Council should review the proposed district’s consistency and compatibility with adjacent land uses and the future land use map as laid out in the Master Plan.

Existing Land Use

Existing adjacent land uses and zoning designations are denoted in the table below:

| | Existing Land Use | Existing Zoning |
|--------------------------------|--------------------------------------|-------------------------------------------------|
| Site | Single-Family Homes | R-3, One-Family Residential |
| North | Fraternal Organization | R-3, One-Family Residential |
| South | Multiple-Family (under construction) | O-1, Office |
| East (across Dequindre) | Multiple-Family Residential/Retail | Multiple-family and Industrial (City of Warren) |
| West | Single-Family Homes/Vacant | R-3, One-Family Residential |

The subject site is located immediately to the north of “The Reserve at Red Run,” an independent senior living facility currently under construction, zoned O-1, Office. Adjacent properties to the west and north are zoned R-3, One-Family Residential. Properties to the east (across Dequindre Rd) are located within the City of Warren and are zoned for commercial and multi-family purposes.

Existing Conditions along Dequindre (looking north)



Future Land Use

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

| | Future Land Use |
|------------------------------------|----------------------------|
| Site | Office |
| North | Office |
| South | Office |
| East (across Dequindre Rd.) | Mixed-Use (City of Warren) |
| West | Single-Family Residential |

The future land use designation of the subject site is “Office.” Per the Master Plan, the Office designation is intended to accommodate, *“a blend of local service, professional and general office uses into traditional office developments, as well as commercial uses that service office users.”*

If the R-M rezoning request is approved, any multi-family development on the subject parcel, including parking, will be subject to screening, buffering and site development requirements per the Zoning Ordinance.

Staff Analysis

While the proposed R-M zoning district is not completely aligned with the site’s “Office” Future Land Use designation, staff recognizes the importance of providing land for additional housing units within the city. In many cases, multiple-family zoning can provide for an appropriate mix of uses along major thoroughfares and arterials, such as Dequindre Road. Further, staff finds that a future multiple-family development on this subject site could be complementary to, and compatible with, the multiple-family independent senior living facility currently under construction to the south. The proposed R-M district promotes one of the Master Plan’s housing objectives to, *“provide a diverse range of housing options that meet the affordability, maintenance, and lifestyle needs of current and future residents.”*

Planning Commission Action

At their **May 17th, 2022** meeting, the Planning Commission **recommended approval** of the requested rezoning based upon the following findings:

1. The applicant requests a rezoning from R-3, One-Family Residential, to R-M, Multiple-Family Residential, to construct a senior living, assisted living and memory care facility on site. The R-M district permits single and multiple-family residential uses.
2. The proposed R-M district is generally compatible and consistent with adjacent multiple-family and commercial uses along Dequindre Road and is compatible with single-family residential to the west.
3. The proposed R-M District is compatible with adjacent O-1-zoned parcels along Dequindre Road.
4. While the proposed R-M District is not entirely aligned with the “Office” future land use designation, the rezoning advances the Master Plan’s objective to, *“provide a diverse range of housing options that meet the affordability, maintenance and lifestyle needs of current and future residents.”*
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their May 4th, 2022 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including special use and site plan submittal. Special use approval through City Council is required for convalescent homes.

Staff Recommendation and Next Step

Based on the Planning Commission’s findings and recommendation, staff recommends that the City Council adopt Ordinance # 2184 (PRZN 22-01) upon first reading and schedule the required public hearing for the **July 11th, 2022** City Council meeting.



Legal Ad Proof

Item 13.

If you wish to email changes please reply or use the email below

legals@candgnews.com

(NOTE: After 3:00pm on press day you must call for corrections)

Date Proof Sent: 4/21/2022 9:49 AM

AD INFORMATION

Ad Number: 0329-2218

Ad Title: CITY OF MADISON HEIGHTS-Notice of Public Hearing - Rezonings - Combined - PRZN 22-01 and PRZN 22...

Week Of Publication: 4/27/2022

Publication(s) ad will appear: Madison-Park News

For corrections call 586-498-1097

email corrections: legals@candgnews.com (NOTE: After 3:00pm on press day you must call for corrections)

Please scroll to the next page to view the ad.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on Tuesday, May 17th, 2022 at 5:30 p.m. in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 to consider the following requests:

Rezoning Request No. PRZN 22-0001 by Hudson Madison LLC to rezone three (3) parcels of land described as: 30151 Dequindre Rd. (TM# 44-25-12-28-0027); 30171 Dequindre Rd. (TM# 44-25-12-280-026); and 30183 Dequindre Rd. (TM# 44-25-12-280-025). The request is to rezone the properties from R-2, One-Family Residential, to R-M, Multiple-Family Residential.

Rezoning Request No. PRZN 22-0002 by EWM-Miller Wash, LLC to rezone three (3) parcels of land described as 29022 Stephenson Hwy (TMs: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019). The request is to rezone the properties from M-1, Light Industrial, to B-3, General Business.

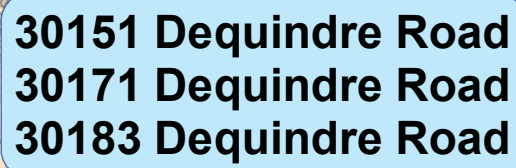
The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed after 4:00 p.m. on Friday, May 13th, 2022 online at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community & Economic Development Department at (248) 583-0831 or MattLonnerstater@madison-heights.org.

CITY OF MADISON HEIGHTS

Published: Madison-Park News 04/27/2022

0329-2218

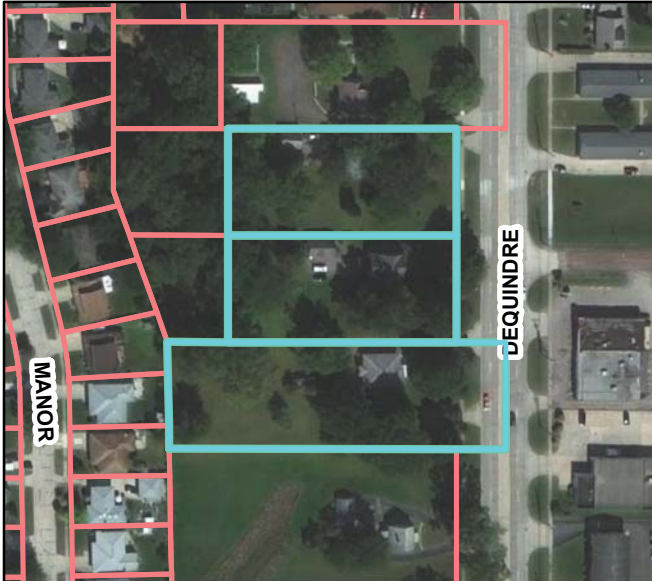


Site Address: 30151, 30171, 30183 Dequindre Road

[Click for maps](#)

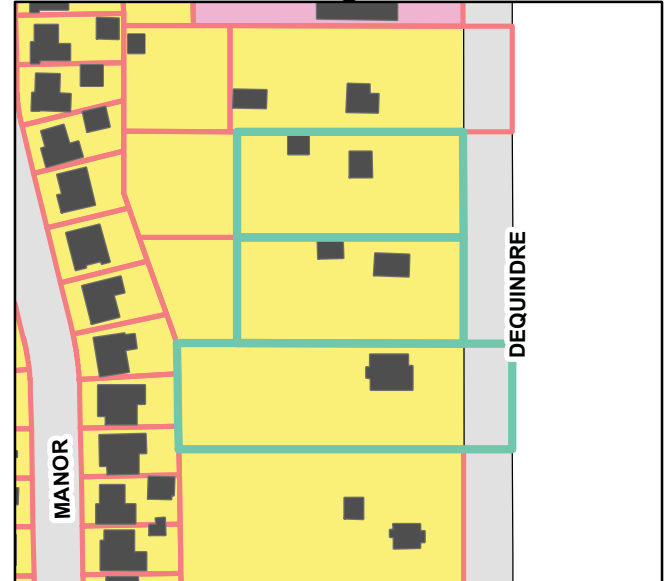


Aerial



- 30151, 30171, 30183 Dequindre Rd
- Parcels

Existing Land Use



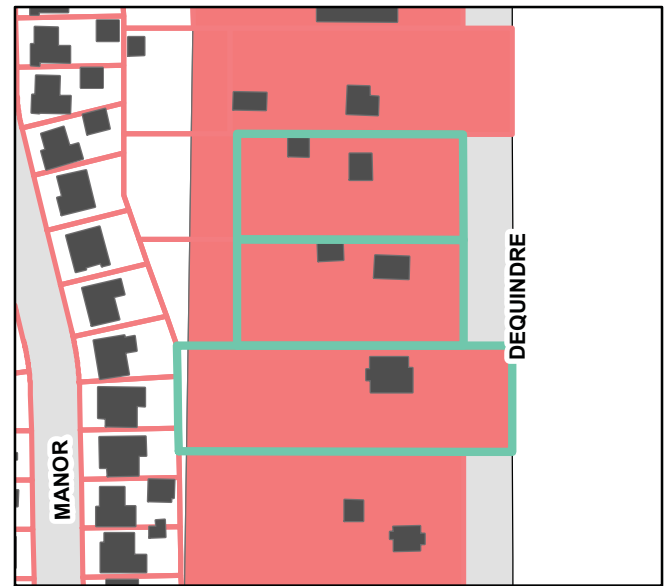
- 30151, 30171, 30183 Dequindre Rd
- Buildings
- Parcels
- Vacant
- Single And Two Family
- Office
- Commercial
- Industrial
- Public

Zoning



- 30151, 30171, 30183 Dequindre Rd
- Buildings
- Parcels
- R-1 Residential
- R-2 Residential
- R-3 Residential
- O-1 Office

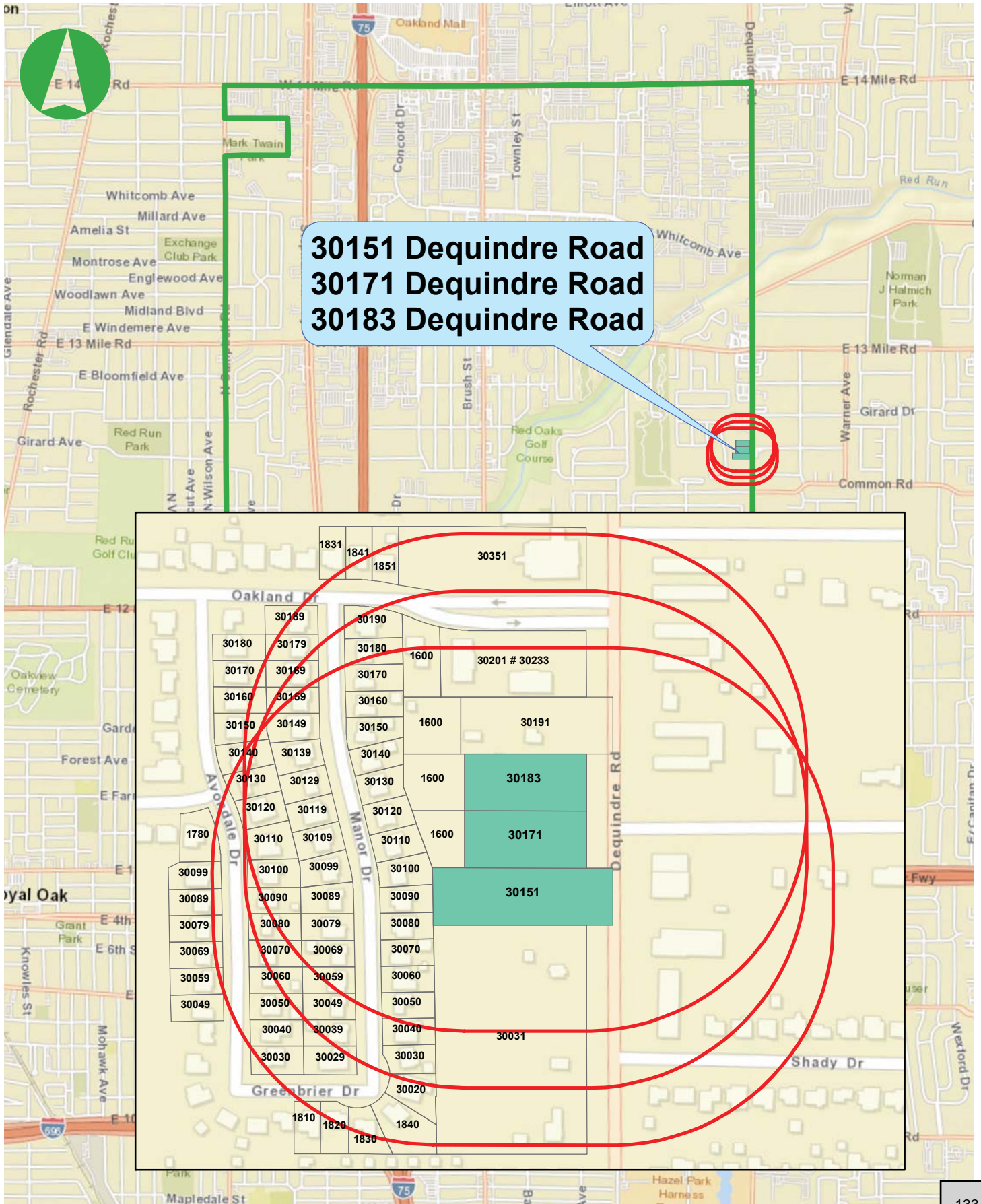
Future Land Use



- 30151, 30171, 30183 Dequindre Rd
- Single Family
- Multiple Family
- Office
- Commercial
- Recreation
- Conservation
- Mixed Use Innd

PRZN CASE: 22 - 01

BUFFER 500 FT





COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Application to Rezone Land

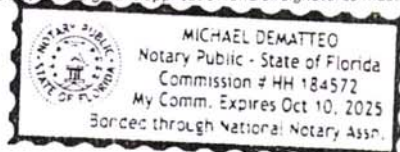
I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

- Request is hereby made that the following property be rezoned from R-2 to Rm.
- The property address is 30151 Deguindre and the parcel is located on the West side of Deguindre street between 12 mile and 13 mile streets.
- The legal description of said property is as follows (attach separately if necessary)
See Attach PRD
- The sidwell number for the property is: 25-12-28-00-21
- The owner of said property is:
Name: Betty Huffman
Street Address: 30151 Deguindre
City, State, Zip: Madison Heights, MI 48071
Phone: 248-202-2310 Email: bcrow25@gmail.com
- The Applicant is:
Name: Cypress Partners Hudson Madison LLC (Jeffrey Buck)
Street Address: 220 West Maple Road
City, State, Zip: Birmingham, MI 48009
Phone: 248-540-9380 Email: JBuck@CypressPartners.biz
- The applicant is the:
☒ Owner ☐ Legal Representative ☒ Purchaser ☐ Other _____
- Description of proposed use:
Senior Living, Assistant Living & Memory Care
- Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: Krisanida H. Crowe POA Betty Huffman
Signature of Applicant: Jeffrey Buck
Date: 4-18-2022

Notary's Signature: Michael DeMatteo
Notary's Print Name: Michael DeMatteo
Notary Public, State of Florida, County of: Pineas
My Commission Expires on: 10-10-2025
Acting in the County of: Pineas

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.





COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Item 13.

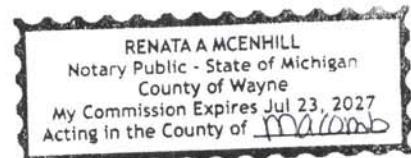
Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from R-2 to R-M.
2. The property address is 30171 Dequindre Road and the parcel is located on the West side of Dequindre Road street between Moulin Avenue and Oakland Drive streets.
3. The legal description of said property is as follows: (attach separately if necessary)
See Attached
4. The sidwell number for the property is: 44 - 25 - 12 - 280 - 026
5. The owner of said property is:
Name: Walter Kozak
Street Address: 30171 Dequindre Road
City, State, Zip: Madison Heights, MI 48071
Phone: 248-585-9596 Email: _____
6. The Applicant is:
Name: Hudson Madison LLC (Jeff Buck) Jeffrey Buck *gvs.*
Street Address: 280 West Maple Road, Suite 230
City, State, Zip: Birmingham, MI 48009
Phone: 248-540-9300 ext. 12 Email: jbuck@cypresspartners.biz
7. The applicant is the:
☐ Owner ☐ Legal Representative ☒ Purchaser ☐ Other _____
8. Description of proposed use:
One (1) Story Senior Living (Assisted & Memory Care)
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: [Signature]
Signature of Applicant: [Signature]
Date: 4/18/22

Notary's Signature: [Signature]
Notary's Print Name: Renata A. McEnhill
Notary Public, State of Michigan, County of: Wayne
My Commission Expires on: July 23, 2027
Acting in the County of: Macomb



Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

Item 13.

Application to Rezone Land

I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from R-2 to R-M.
2. The property address is 30183 Dequindre Road and the parcel is located on the West side of Dequindre Road street between Moulin Avenue and Oakland Drive streets.
3. The legal description of said property is as follows: (attach separately if necessary)
See Attached
4. The sidwell number for the property is: 44 - 25 - 12 - 280 - 025
5. The owner of said property is:
Name: Marvin Huffman
Street Address: 30183 Dequindre Road
City, State, Zip: Madison Heights, MI 48071
Phone: 313-930-6862 Email: marty.huffman5@gmail.com
6. The Applicant is:
Name: Hudson Madison LLC (Jeffrey Buck)
Street Address: 280 West Maple Road, Suite 230
City, State, Zip: Birmingham, MI 48009
Phone: 248-540-9300 ext. 12 Email: jbuck@cypresspartners.biz
7. The applicant is the:
☐ Owner ☐ Legal Representative ☒ Purchaser ☐ Other
8. Description of proposed use:
One (1) Story Senior Living (Assisted & Memory Care)
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 application fee.

Signature of Owner: [Signature]
Signature of Applicant: [Signature]
Date: 4-19-2022

Notary's Signature: [Signature]
Notary's Print Name: Cheryl E. Rottmann
Notary Public, State of Michigan, County of: Oakland
My Commission Expires on: 1-27-29
Acting in the County of: Oakland, MI

Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.

Legal Descriptions

Betty Huffman

30151 Dequindre Road, Madison Heights, Michigan 48071

44-25-12-280-027

T1N, R11E, SEC 12 PART OF NE 1/4 BEG AT PT DIST N 01-13-00 E 521 FT FROM E 1/4 COR, TH N 88-39-00 W 408.45 FT, TH N 00-14-00 E 129.50 FT, TH S 88-39-00 E 410.58 FT, TH S 01-13-00 W 129.50 FT TO BEG 1.22 A

Walter Kozak

30171 Dequindre Road, Madison Heights, Michigan 48071

44-25-12-280-026

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

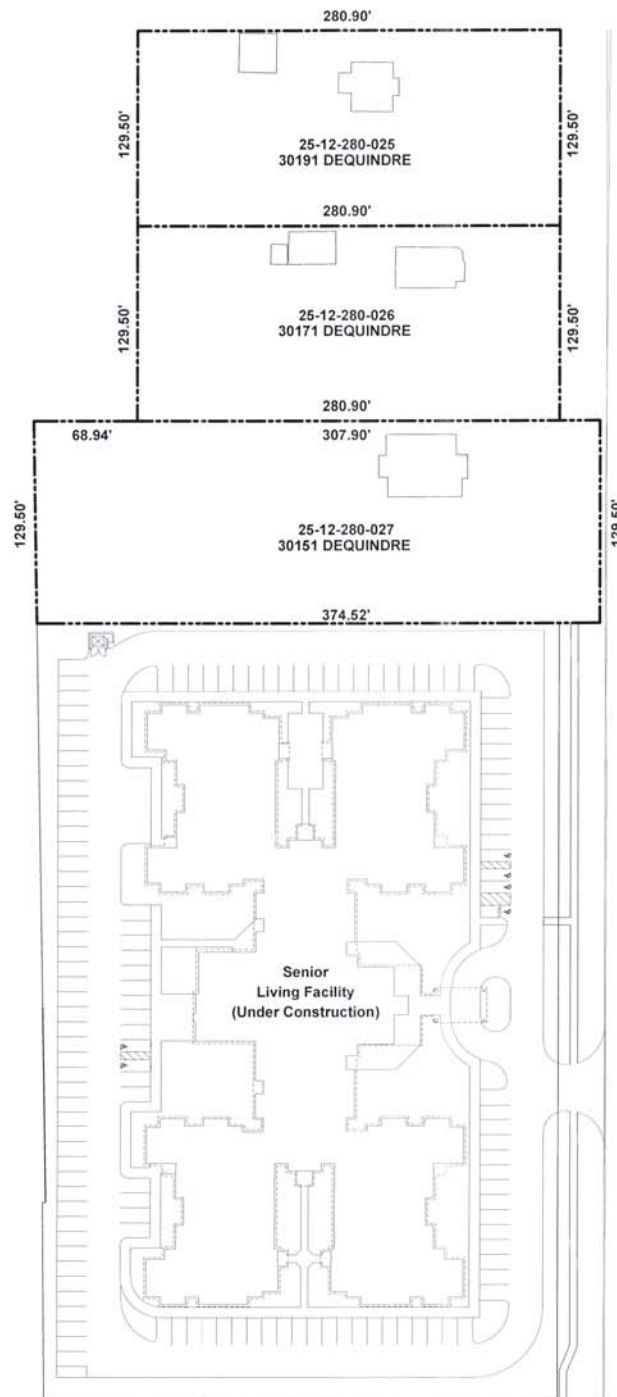
Marvin Huffman

30183 Dequindre Road, Madison Heights, Michigan 48071

44-25-12-280-025

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

EXHIBIT A
EXISTING CONDITIONS PLAN



HUDSON MADISON , LLC
280 WEST MAPLE ROAD, SUITE: 230
BIRMINGHAM, MICHIGAN 48009

SHEET 1 OF 1
MARCH 18, 2022
2019-236A

PEA
GROUP

t: 844.813.2949
www.peagroup.com

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

SUBMITTED TO: Melissa Marsh - City Manager

SUBMITTED BY: Giles Tucker - CED Director DATE: 6/1/22

FOR CONSIDERATION AT THE COUNCIL MEETING OF: 6/13/22

ACTION REQUESTED

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

DESCRIPTION OF ITEM

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

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

First Reading. The applicant, EWM-Miller Wash, LLC, requests to rezone three (3) parcels of land at 29022 Stephenson Highway (PIN Numbers 44-25-11-377-015, 44-25-11-377-016, and 44-25-11-377-019) from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange.

FINANCIAL IMPACT

| | | | |
|-------------------------------------------|--------|---------------------|-------|
| No Impact | _____✓ | Fee Waiver Proposed | _____ |
| Budgeted Fund Name(s) | _____ | Department Name | _____ |
| Appropriated in Acct. No. | _____ | Budget Amount | _____ |
| Amount Available in Acct. | _____ | | |
| Second Account Number | _____ | Budget Amount | _____ |
| Amount Available in 2 nd Acct. | _____ | Revenue Generated | _____ |
| Other Comments | _____ | | |

REVIEW CHECKLIST

| | | | |
|--------------|--------------------------|------|-------|
| DEPARTMENT | <u>Giles Tucker, CED</u> | DATE | _____ |
| DEPARTMENT | _____ | DATE | _____ |
| CITY MANAGER | <u>Melissa Marsh</u> | DATE | _____ |



MEMORANDUM

Date: June 1st, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Rezoning Request PRZN 22-02 (Ordinance 2185) – 29022 Stephenson Hwy. – First Reading

Introduction

The applicant, EWM-Miller Wash, LLC, requests to rezone three (3) parcels of land at **29022 Stephenson Highway** (PIN Numbers 44-25-11-377-015, 44-25-11-377-016, and 44-25-11-377-019) from **M-1, Light Industrial, to B-3, General Business**. The subject properties are located at the northeast corner of Stephenson Highway and E. 12 Mile Road, immediately to the west of the I-75 interchange.

Background

The subject site consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 sq. ft. commercial structure currently occupied by Col's Place restaurant. The applicant requests a rezoning to B-3 in order to construct an auto car wash facility, which is permitted as a special use within the B-3 district. Note that approval of the rezoning would not constitute special use or site plan approval. City Council should consider all of the potential uses that could be developed on this site if it were to be zoned B-3. The applicant has provided conceptual plans for an express car wash on-site; these conceptual plans are included for demonstrative purposes only and are not subject to this rezoning review.

Per the Zoning Ordinance, the proposed B-3 zoning district is, *“designed to provide sites for more diversified business types and is often located so as to serve the passer-by traffic.”* Uses permitted by right within the B-3 district include, but are not limited to, general retail, personal service establishments, sit-down and drive-through restaurants, professional offices, new car auto sales and showrooms, and mixed-use developments. Uses permitted through the special approval process include, but are not limited to, gasoline stations, auto washes, bars, and motor vehicle repair facilities.

When reviewing a rezoning request, the City Council should review the proposed district's consistency and compatibility with adjacent land uses and the future land use map as laid out in the Master Plan.

Existing Land Use

Existing adjacent land uses and zoning designations are denoted in the table below:

| | Existing Land Use | Existing Zoning |
|---------------------------------|----------------------|--------------------------------------|
| Site | Restaurant | M-1, Light Industrial |
| North | Oakland County Water | M-1, Light Industrial |
| South (across 12 Mile) | Retail | General Business (City of Royal Oak) |
| East | -- | I-75 |
| West (across Stephenson) | Gas Station | M-1, Light Industrial |

The subject site is located immediately to the west of the 12 Mile Road/I-75 interchange. Adjacent land uses consist primarily of auto-oriented uses, including a gas station across Stephenson Highway, an auto repair shop across 12 Mile Road, and a new drive-through fast food restaurant kitty-corner at the intersection of 12 Mile Road and Stephenson Highway (in Royal Oak).

Existing Conditions at Stephenson/12 Mile (looking north)



Existing Conditions at Stephenson/12 Mile (looking south)



Existing Conditions at Stephenson/12 Mile (looking east toward I-75)



Future Land Use

Adjacent future land uses, as envisioned by the 2021 Madison Heights Master Plan, are denoted in the table below:

| | Future Land Use |
|---------------------------------|----------------------------------------|
| Site | Industrial |
| North | Industrial |
| South (across 12 Mile) | General Commercial (City of Royal Oak) |
| East | I-75 |
| West (across Stephenson) | Industrial |

The future land use designation of the subject site is “Industrial.” Per the Master Plan, the Industrial designation is intended to accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities.

Staff Analysis

While the proposed B-3 zoning district is not completely aligned with the site’s “Industrial” Future Land Use designation, staff recognizes the existing auto-oriented nature of the 12-Mile Road/I-75 interchange, as well as the existing regional commercial uses located at or near the intersection of Stephenson Highway and E. 12 Mile Road. Existing uses at the Stephenson/12 Mile intersection include several gas stations, an auto repair shop, a Kroger Marketplace, and several commercial outlots. Further, the 12 Mile corridor on the east side of I-75 is currently improved with several regional retail developments, including Lowe’s, Home Depot, and BJ’s Wholesale Club. Staff believes that the uses permitted within the proposed B-3 district are consistent with and complementary to the existing land use pattern in the vicinity.

If the B-3 rezoning request were to be approved, any major re-development on the subject parcel would be subject to site plan approval through the Site Plan Review Committee. Certain uses, such as a potential auto wash, would require special approval through City Council. Staff further notes that a rezoning to B-3 would remove the subject parcels from the Marihuana Overlay District; medical and adult-use marijuana establishments are not permitted within the B-3 zoning district.

Planning Commission Action

At their **May 17th, 2022** meeting, the Planning Commission **recommended approval** of the requested rezoning based upon the following findings:

1. The applicant requests a rezoning from M-1, Light Industrial, to B-3, General Business, to construct an automatic express car wash facility on site. The B-3 district permits a range of general commercial, retail, restaurant, and office uses.
2. The proposed B-3 district is generally compatible and consistent with adjacent auto-oriented uses and regional commercial developments near the 12 Mile Road/I-75 Interchange.
3. The proposed B-3 District is compatible with adjacent M-1 zoned parcels within Madison Heights and commercially-zoned parcels within Royal Oak.

4. While the proposed B-3 District is not entirely aligned with the “Industrial” future land use designation, the subject site is located at the very southern end of the Stephenson Highway industrial corridor and is adjacent to a number of existing auto-oriented commercial uses.
5. The Site Plan Review Committee (SPRC) reviewed the proposed rezoning request at their May 4th, 2022 meeting and did not express any objections. The SPRC will separately review additional applications relating to this project, if submitted, including special use and site plan submittal. Special use approval through City Council is required for auto washes.

Based on these findings, staff recommends that the Planning Commission recommend to City Council **approval** of the requested rezoning on the three (3) subject parcels from M-1 to B-3.

Staff Recommendation and Next Step

Based on the Planning Commission’s findings and recommendation, staff recommends that the City Council adopt Ordinance # 2185 (PRZN 22-02) upon first reading and schedule the required public hearing for the **July 11th, 2022** City Council meeting.



Legal Ad Proof

Item 14.

If you wish to email changes please reply or use the email below

legals@candgnews.com

(NOTE: After 3:00pm on press day you must call for corrections)

Date Proof Sent: 4/21/2022 9:49 AM

AD INFORMATION

Ad Number: 0329-2218

Ad Title: CITY OF MADISON HEIGHTS-Notice of Public Hearing - Rezonings - Combined - PRZN 22-01 and PRZN 22...

Week Of Publication: 4/27/2022

Publication(s) ad will appear: Madison-Park News

For corrections call 586-498-1097

email corrections: legals@candgnews.com (NOTE: After 3:00pm on press day you must call for corrections)

Please scroll to the next page to view the ad.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Madison Heights Planning Commission will hold a public hearing on Tuesday, May 17th, 2022 at 5:30 p.m. in City Hall Council Chambers, 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 to consider the following requests:

Rezoning Request No. PRZN 22-0001 by Hudson Madison LLC to rezone three (3) parcels of land described as: 30151 Dequindre Rd. (TM# 44-25-12-28-0027); 30171 Dequindre Rd. (TM# 44-25-12-280-026); and 30183 Dequindre Rd. (TM# 44-25-12-280-025). The request is to rezone the properties from R-2, One-Family Residential, to R-M, Multiple-Family Residential.

Rezoning Request No. PRZN 22-0002 by EWM-Miller Wash, LLC to rezone three (3) parcels of land described as 29022 Stephenson Hwy (TMs: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019). The request is to rezone the properties from M-1, Light Industrial, to B-3, General Business.

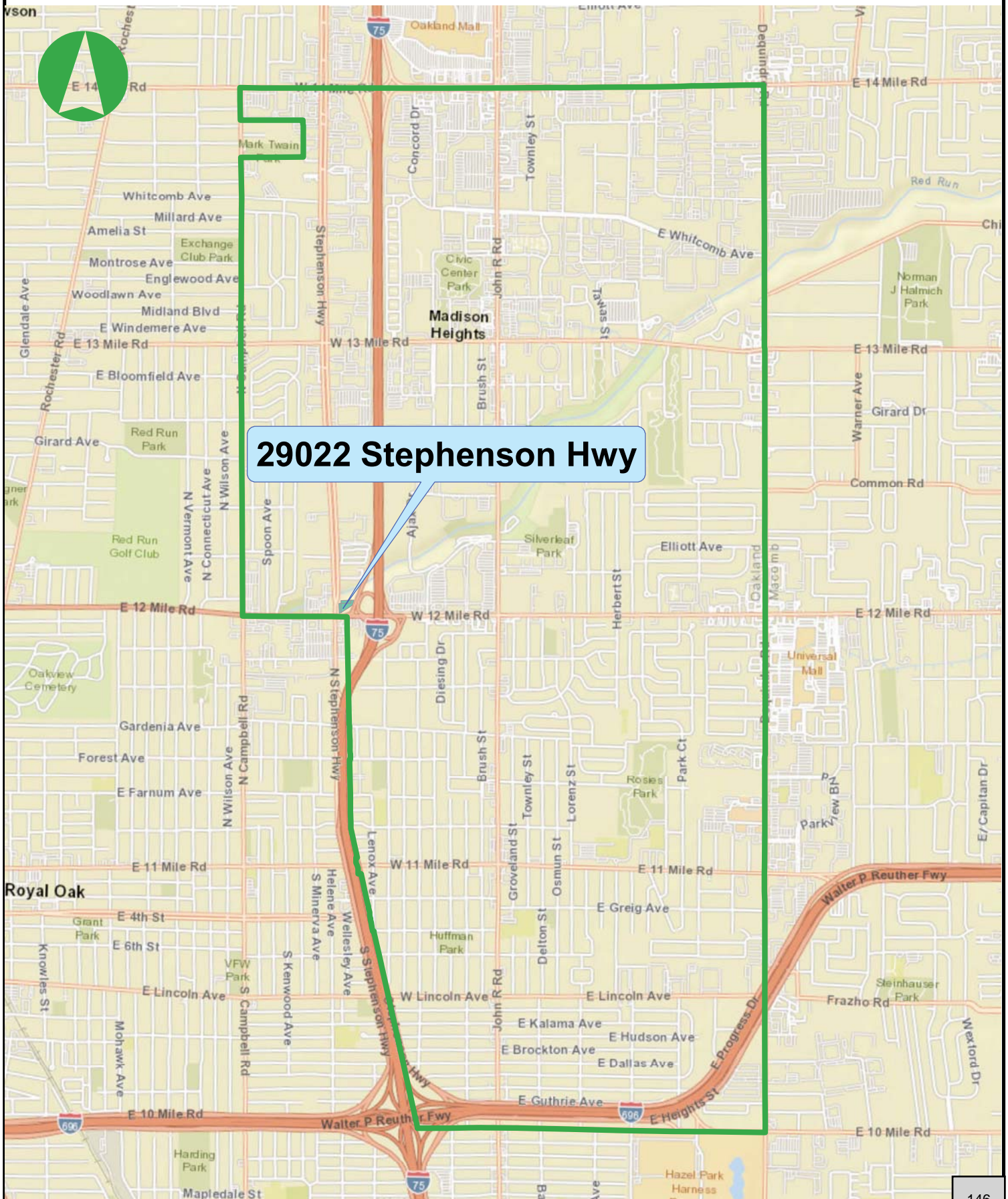
The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed after 4:00 p.m. on Friday, May 13th, 2022 online at www.madison-heights.org in the Agenda Center.

For further information, please contact the Community & Economic Development Department at (248) 583-0831 or MattLonnerstater@madison-heights.org.

CITY OF MADISON HEIGHTS

Published: Madison-Park News 04/27/2022

0329-2218



Site Address: 29022 Stephenson Hwy

[Click for map](#)



Aerial



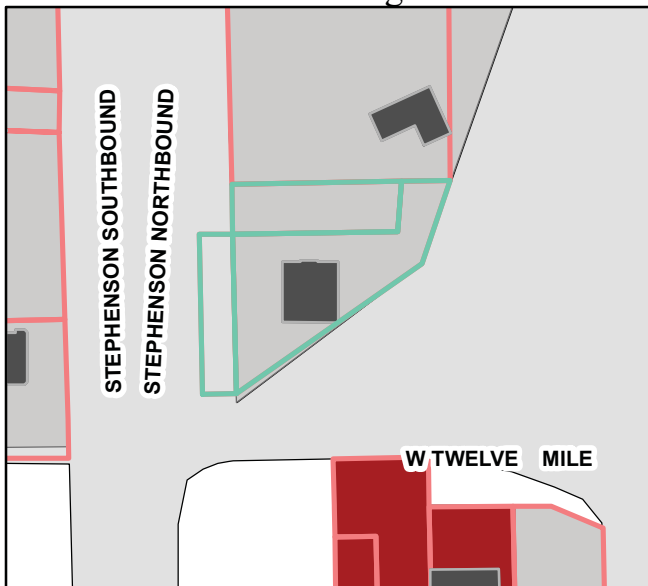
- 29022 Stephenson Hwy
- Parcels

Existing Land Use



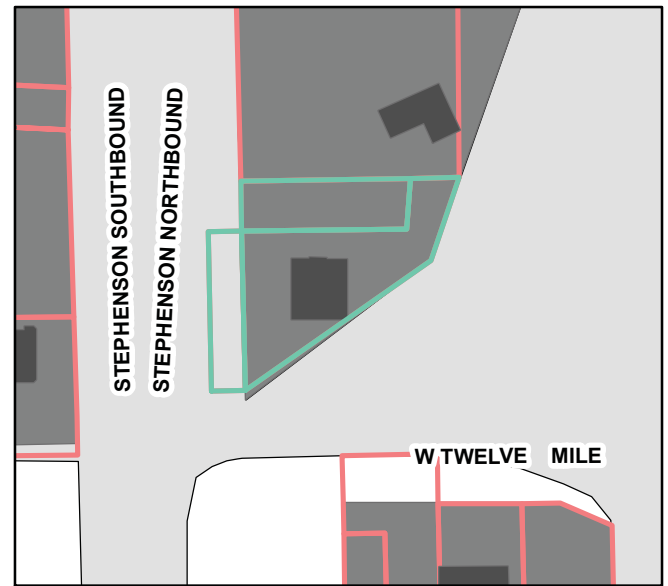
- 29022 Stephenson Hwy
- Buildings
- Parcels
- Vacant
- Single And Two Family
- Office
- Commercial
- Industrial
- Public

Zoning



- 29022 Stephenson Hwy
- Buildings
- Parcels
- M-1 Light Industrial
- B-1 Local Business
- B-2 Planned Business
- B-3 General Business

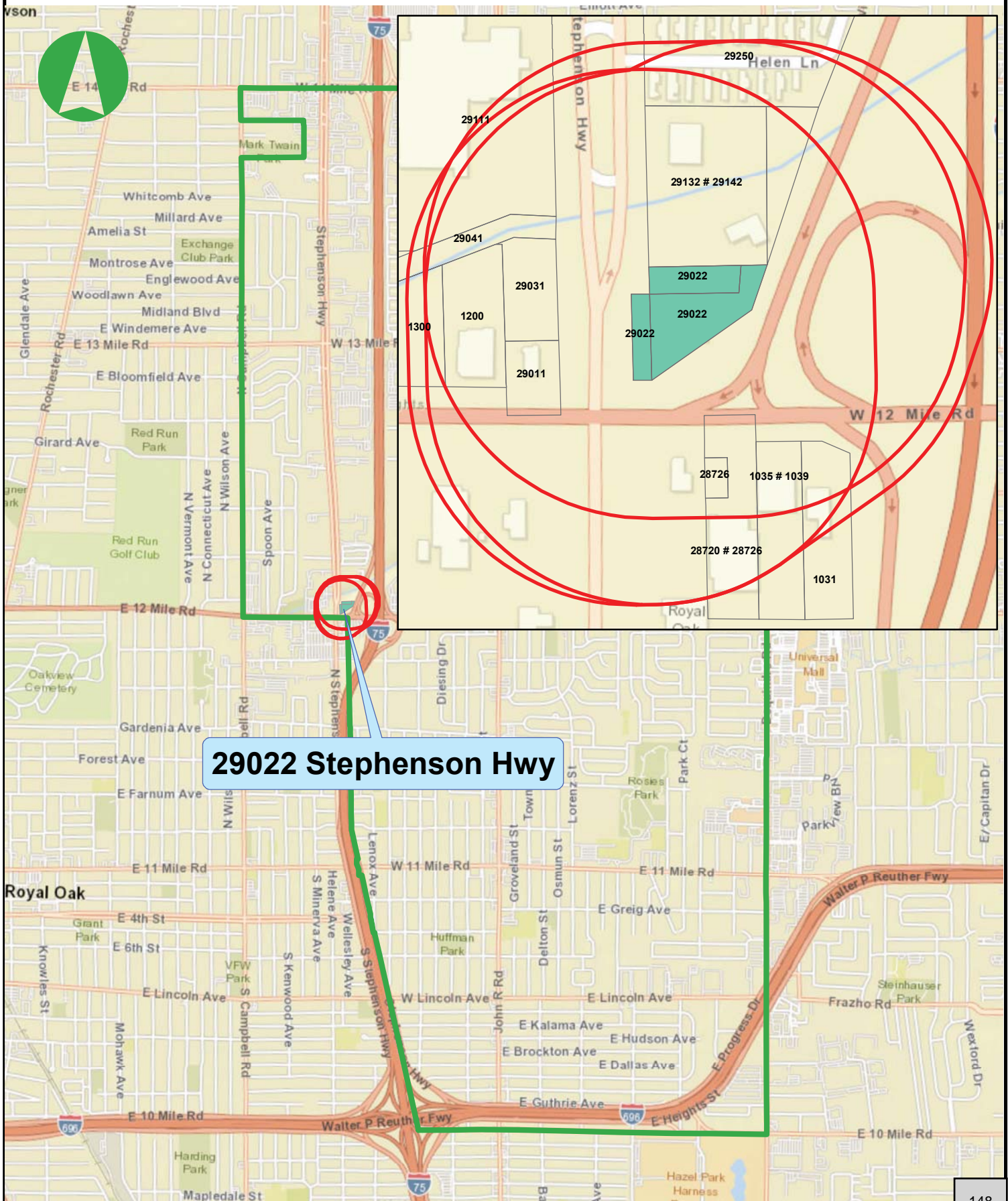
Future Land Use



- 29022 Stephenson Hwy
- Vacant
- Industrial
- Office
- Commercial
- Recreation
- Conservation
- Mixed Use Industrial

PRZN CASE: 22 - 02

BUFFER 500 FT





Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

Tel: (248) 642-0333
Fax: (248) 642-0856

John D. Gaber
jdg@wwrplaw.com

April 19, 2022

PERSONAL DELIVERY

City of Madison Heights
Community and Economic Development Department
300 W. Thirteen Mile Rd.
Madison Heights, MI 48071

**Re: 29022 Stephenson Highway
Application to Rezone Land**

Dear Clerk:

Enclosed for filing please find the following documents with respect to the above-referenced property:

1. Application to Rezone Land;
2. Exhibit A – Legal Description;
3. Addendum in Support of Application to Rezone Land City of Madison Heights, Michigan; and
4. Two copies of Rezoning Survey-Site Plan.

Also enclosed is a check in the amount of \$1,500 for the filing fee.

Please feel free to call with any questions.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



John D. Gaber

JDG/srs
Enclosures



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
300 W. THIRTEEN MILE RD.
MADISON HEIGHTS, MI 48071
(248) 583-0831

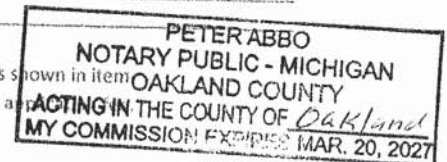
Item 14.

Application to Rezone Land

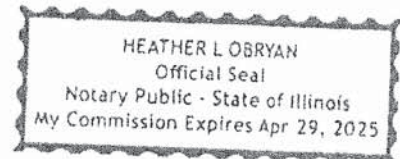
I (we) the undersigned do hereby respectfully apply and petition the City of Madison Heights to amend the Zoning Ordinance by changing the zoning map as hereinafter requested. As part of this application, the following facts are shown:

1. Request is hereby made that the following property be rezoned from M-1 to B-3.
2. The property address is 29022 Stephenson Highway and the parcel is located on the East side of Stephenson Highway street between Twelve Mile Road and Helen Ct streets.
3. The legal description of said property is as follows: (attach separately if necessary)
Refer to attached legal description
4. The sidwell number for the property is: 25-11-377-015, 25-11-377-016 and 25-11-377-019
5. The owner of said property is:
Name: Sokol and Angelina Ndrejaj
Street Address: 29022 Stephenson Highway
City, State, Zip: Madison Heights, Michigan 48071
Phone: _____ Email: _____
6. The Applicant is:
Name: EWM-Miller Wash, LLC
Street Address: 201 East Ogden Ave. Suite #18-1
City, State, Zip: Hinsdale, IL 60521
Phone: 856-371-6223 Email: do@ewmpartners.com
7. The applicant is the:
☐ Owner ☐ Legal Representative ☒ Purchaser ☐ Other _____
8. Description of proposed use:
Proposed express car wash with automated pay stations and free vacuums
9. Attached two (2) copies of the plot plan prepared in compliance with the requirements shown in item number three (3) of the "Procedure for Filing Rezoning Application" and the \$1,500.00 fee.

Signature of Owner: [Signature]
Signature of Applicant: [Signature]
Date: 4/14/22



Notary's Signature: [Signature]
Notary's Print Name: Heather L. O'Bryan
Notary Public, State of Michigan, County of: Dodge
My Commission Expires on: 4.29.25
Acting in the County of: Dodge



Note: All owners of the property must sign this application and all signatures must be notarized, or legal proof of authority to apply, such as a Power of Attorney, must be attached.

Exhibit A

Legal Description

Land in the City of Madison Heights, Oakland County, Michigan, being more particularly described as follows:

PARCEL 1:

Part of the East half of the East half of the Southwest quarter of Section 11, Town 1 North, Range 11 East, described as: Commencing at a point which is South 88 degrees 11 minutes 35 seconds West along the South section line 544.34 feet and North 01 degree 48 minutes 25 seconds West along the Easterly right of way of Stephen Highway, 75 feet from the South quarter corner of said Section 11; thence North 52 degrees 16 minutes 00 seconds East 265.16 feet; thence North 17 degrees 41 minutes 59 seconds East 106.98 feet; thence South 87 degrees 15 minutes 35 seconds West 250.84 feet to the Easterly right of way line of Stephenson Highway; thence South 01 degree 48 minutes 25 seconds East along said Easterly line 252.10 feet to the point of beginning.

PARCEL 2:

The Easterly 40 feet of Stephenson Highway right of way adjacent to that part of the Southwest 1/4 of Section 11, Town 1 North, Range 11 East, described as beginning at a point distant South 88 degrees 11 minutes 35 seconds West 544.34 feet and North 01 degree 48 minutes 25 seconds West 75.00 feet from the South 1/4 corner; thence North 52 degrees 16 minutes 00 seconds East 265.16 feet; thence North 17 degrees 41 minutes 59 seconds East 106.98 feet; thence South 87 degrees 15 minutes 35 seconds West 59.00 feet; thence South 08 degrees 02 minutes 22 seconds West 61.31 feet; thence South 87 degrees 15 minutes 35 seconds West 180.99 feet; thence South 01 degree 48 minutes 25 seconds East 192.10 feet to the beginning.

Commonly known as 29022 Stephenson Highway, Madison Heights, Michigan 48071
Tax Parcel Nos. 25-11-377-015, 25-11-377-016 and 25-11-377-019

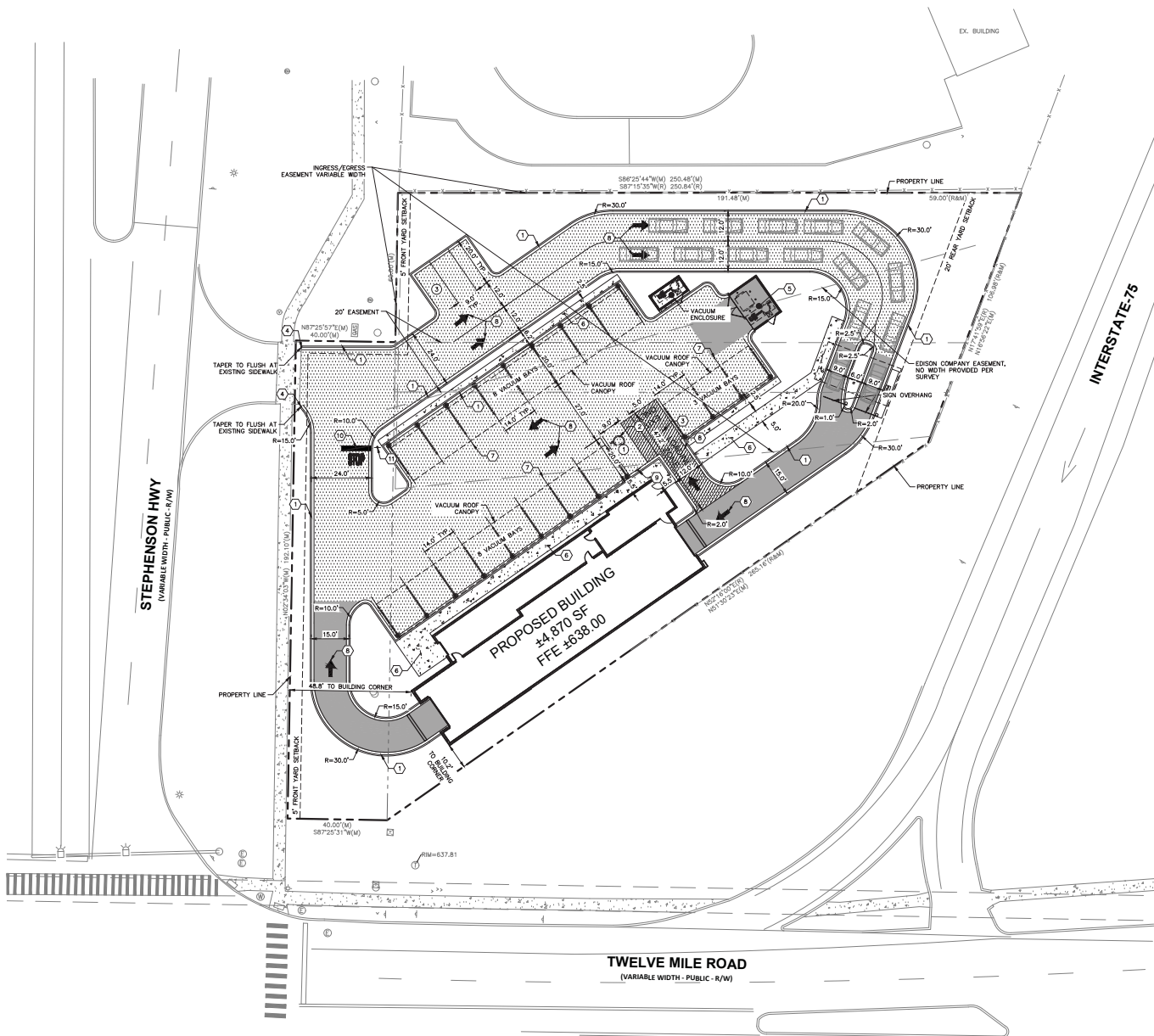
**ADDENDUM IN SUPPORT OF
APPLICATION TO REZONE LAND
CITY OF MADISON HEIGHTS, MICHIGAN**

**Applicant: EWM-Miller Wash, LLC
Parcel ID No.: 25-11-377-015, -016, -019
Date: April 14, 2022**

Applicant submits this Addendum in Support of Application to Rezone Land to rezone the above subject property ("Property") from M-1 Light Industrial to B-3 General Business, and states the following in support of its Application:

1. Applicant proposes to construct a modern automatic express car wash on the Property, which is a Use Permissible on Special Approval in the B-3 General Business district (§10-326(8)). While a rezoning review would focus on all of the potential permitted uses in the B-3 district which could be operated on the Property, the principal permitted uses and special approval uses in the B-3 district (and by incorporation the O-1, B-1 and B-2 districts) would appear to be appropriate uses for this Twelve Mile Road retail/restaurant corridor.
2. Current land use supports the requested rezoning. The Property is currently used for commercial, not industrial purposes. Similarly, most of the existing uses in the Twelve Mile Road corridor in this area of the City are commercial uses. A gas station/convenience store operates west of the Property. An auto repair and miscellaneous retail are located south of the Property. The Twelve Mile corridor east of the Property features Home Depot, Lowe's, and several restaurant outlots. The Twelve Mile corridor southwest of the Property in Royal Oak also houses retail/restaurant uses. The existing land uses in the area would be permitted uses or special approval uses in the B-3 district, and therefore support the requested rezoning to B-3.
3. Likely consistent with City Master Plan Update. The requested rezoning to B-3, while not consistent with the current Future Land Use Map of the City, would most likely be updated in the impending City Master Plan update process to reflect that the Twelve Mile corridor has been converting from industrial to commercial uses over time. There is a likelihood that Future Land Use Map could be updated in this process to change the designation of these Twelve Mile frontage properties to Commercial, which would support the rezoning to B-3.
4. No adverse impact. The requested rezoning would not adversely impact adjacent properties because the Property is already used for commercial purposes, and commercial uses operate on the east, west and south sides of the Property. The Oakland County Water Resource Commission is located to the north of the Property, which is a public utility facility, also consistent with commercial uses. Traffic would access the site from Stephenson Highway at the north end of the Property, away from the intersection, to reduce traffic conflicts and maximize safety.

For the above reasons, Applicant believes rezoning the Property to B-3 would be consistent with good land use planning practices, and respectfully requests rezoning approval.



GRAPHIC SCALE IN FEET
0 10 20 40



GENERAL NOTES

- ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
- REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
- RASH NOT DIMENSIONED ON THIS PLAN SHALL BE 2'-FEET, TYPICAL.
- REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
- ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.

SITE LEGEND

- STANDARD DUTY ASPHALT PAVEMENT
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- HEAVY DUTY CONCRETE PAVEMENT
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- CONCRETE SIDEWALK
SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
- 6" CONCRETE CURB AND OUTLET
- EASEMENT LINE
- PROPERTY LINE
- ACCESSIBLE PARKING MARKING

SITE DATA TABLE

| CURRENT ZONING: LIGHT INDUSTRIAL (M-1) | |
|----------------------------------------|----------------------|
| REZONING: GENERAL BUSINESS (B-3) | |
| | REQUIRED PROVIDED |
| BUILDING SETBACKS | |
| FRONTAGE (STEPHENSON HWY) | 5 FT 40 FT |
| SIDE (NORTH) | 0 FT 15 FT |
| SIDE (SOUTH) | 0 FT 15 FT |
| REAR (INTERSTATE 75) | 30 FT 60 FT |
| PARKING SETBACKS | |
| FRONT (STEPHENSON HWY) | 5 FT 15 FT |
| ADA SPACES | 1 1 |
| PARKING | 1 SPACE PER EMPLOYEE |
| STANDARD SPACES (90°) | 2 3 |

SITE DATA TABLE

| | |
|--------------------------|---------|
| TOTAL LOT AREA | 1.09 AC |
| TOTAL AREA DISTURBED | 1.09 AC |
| EXISTING IMPERVIOUS AREA | 0.85 AC |
| PROPOSED IMPERVIOUS AREA | 0.98 AC |

KEY NOTES

- 6" CURB AND OUTLET, TYP.
- ACCESSIBLE PAVEMENT MARKINGS, TYP.
- 4" WIDE PAINTED SOLID LINE, TYP.
- CONNECT TO EXISTING PAVEMENT, SIDEWALK, CURB, TYP.
- TRASH ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS)
- CONCRETE SIDEWALK, TYP.
- VACUUMS TYP.
- DIRECTIONAL PAVEMENT MARKINGS
- ACCESSIBLE PARKING SIGN
- 24" WIDE STOP BAR
- STOP SIGN (MUTCD R1-1)



COSMOS CAR WASH
29022 STEPHENSON HWY
CITY OF MADISON HEIGHTS, OAKLAND COUNTY, MICHIGAN

ORIGINAL ISSUE:
4/15/2022
KHA PROJECT NO.
190125007
SHEET NUMBER

C1.0

City Council Regular Meeting
 Madison Heights, Michigan
 May 23, 2022

A City Council Regular Meeting was held on Monday, May 23, 2022 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

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

ABSENT

Councilman Sean Fleming

OTHERS PRESENT

City Manager Marsh
 Assistant City Attorney Sherman
 City Clerk Rottmann

Mayor Grafstein gave the invocation and the Pledge of Allegiance followed.

CM-22-169. EXCUSE COUNCILMEMBER:

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Aaron, to excuse Councilman Fleming from tonight's meeting.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-170. APPROVAL OF AGENDA:

Motion made by Councilor Rohrbach, seconded by Councilor Wright, to add the Gun Violence Awareness Day Proclamation under Presentations to tonight's agenda:

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

Absent: Councilman Fleming

Motion Carried.

CM-22-171. 2022 POLICE COMMENDATION AWARDS

Chief Haines presented the 2022 Commendation and Awards as follows:

COMMAND OFFICER OF THE YEAR

Sergeant Shawn Scofield

POLICE OFFICER OF THE YEAR

Officer Jordan Rieck

POLICE SERVICE AIDE OF THE YEAR

PSA Edward Bicego (posthumously)

POLICE RESERVE OFFICER OF THE YEAR

Reserve Officer David Reidy

DEPARTMENTAL COMMENDATIONS

Lieutenant David Kohler

Sergeant Scott Holdreith

Detective Gart Strongarone

Officer Edgar Miranda

Officer Gunther Brieger

Meritorious Service Award Retired Officer Bernard Pace

Officer Jeffrey Lewis

Officer Kirk Walker

Officer John Heinrich

Lieutenant Mike Siladke

Sergeant Gregory Hartunian

LIFE SAVING AWARDS

Officer Michael Wing

PSA Diamond Smither

Former Officer Lindsey Brozich

CM-22-172. PROCLAMATION RECOGNIZING THE MADISON HEIGHTS WOMEN'S CLUB

City Manager Marsh read the proclamation recognizing the Madison Heights Women's Club and on behalf of City Council, Mayor Grafstein presented the proclamation to Madison Heights Women's Club President Karen Barnes.

CM-22-173. JUNETEENTH DAY PROCLAMATION

City Manager Marsh read the Juneteenth Day proclamation and City Council proclaimed June 19, 2022 at Juneteenth in the City of Madison Heights.

CM-22-174. NATIONAL GUN AWARENESS PROCLAMATION

City Council proclaimed June 3, 2022 as National Gun Violence Awareness Day in the City of Madison Heights.

CM-22-175. SPECIAL APPROVAL PSP 22-04, PRECISION LASER & MANUFACTURING- 31330 STEPHENSON HIGHWAY - PAINTING, VARNISHING AND UNDERCOATING SHOP

City Manager Marsh reviewed Special Approval PSP 22-04, Precision Laser & Manufacturing at 31330 Stephenson Highway request for a painting, varnishing and undercoating shop.

Mayor Grafstein opened the public hearing at 8:02 pm. Jesse Schmidt, owner and applicant, stated that his company is new to the City and they are asking special approval to grow the business and move in a positive direction. Seeing no one wishing to speak, Mayor Grafstein closed the public hearing at 8:03p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Rohrbach:

WHEREAS, a Special Approval Board application has been received from 31330 Stephenson Highway, requests for approval to install a paint booth within an existing industrial building in a M-2, Heavy Industrial district.

WHEREAS, a public hearing was published in the Madison Park News on April 27, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community and Economic Development Department stating:

Introduction

The applicant, Jesse R. Schmidt d/b/a Precision Laser & Manufacturing LLC, requests special use approval to install a paint booth within an existing industrial building. The subject property is located at 31330 Stephenson Highway (PIN 44-25-02-378-023) and is zoned M-2, Heavy Industrial. The property is improved with an existing 22,000 square foot metal industrial building. The applicant does not propose modifications to the site or building footprint as part of this special approval request.

Background and Analysis

The applicant proposes to set up an industrial paint booth inside of the existing industrial building at 31330 Stephenson Highway. The applicant represents Precision Laser & Manufacturing, which is a light industrial manufacturing company that produces material handling racks and containers for the automotive industry. Precision Laser & Manufacturing has applied for a Certificate of Occupancy to operate from the building.

Per the project narrative, the items that are manufactured by the applicant's business need to be painted in order to prevent rusting. The applicant proposes to use an environmentally-friendly water-based paint. The building plan provided by the applicant denotes a 20 ft. by 30 ft. paint booth area inside of the existing building.

Per Section **10.322A**, *painting, varnishing and undercoating shops* are permitted within the M-2 zoning district as a special use. These shops must be set back at least 75 feet from any adjacent residential districts and shall be conducted within a completely enclosed building. Note that the subject site is located within the Stephenson Highway industrial corridor and does not abut any residential zoning districts.

Existing Zoning and Land Use

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

| | Existing Land Use | Existing Zoning |
|-----------------------------------------|--------------------------|------------------------|
| Site | Industrial | M-2, Heavy Industrial |
| North | Industrial | M-2, Heavy Industrial |
| South | Industrial | M-2, Heavy Industrial |
| East | Industrial | M-2, Heavy Industrial |
| West (across Stephenson Highway) | Industrial | M-1, Light Industrial |

The subject site is located along the Stephenson Highway industrial corridor and is surrounded by existing light and heavy industrial uses. The property is sandwiched between four existing industrial buildings to the north, east, south and west, and is in close proximity to I-75.

The subject site is zoned M-2, Heavy Industrial, which, per the Zoning Ordinance, is, *“designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.”*

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 | Industrial |
| North | Industrial |
| South | Industrial |

| | |
|------------------------------------------|------------|
| East | Industrial |
| West (across Stephenson Highway.) | Industrial |

The future land use designation of the subject site and all surrounding properties is ‘*Industrial.*’ Per the Master Plan, the Industrial future land use designation is intended to, “*accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities. These more intense uses are intended for existing industrial areas along Stephenson, I-75, and 14 Mile Road.*”

Site Plan Review Committee

The Site Plan Review Committee (SPRC) reviewed the special use application at their April 27th, 2022 meeting. The SPRC did not cite any concerns with the proposed use.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for a paint booth associated with an existing industrial manufacturing business, Precision Laser & Manufacturing, at 31330 Stephenson Highway.
2. The subject property is zoned M-2, Heavy Industrial, and is located within the Stephenson Highway industrial corridor.
3. The proposed use satisfies the use-specific criteria for *painting, varnishing and undercoating shops* in the M-2 district, as the paint booth is located within a completely enclosed building and is not within 75 feet of a residentially-zoned property.
4. The proposed use is consistent and compatible with adjacent industrial uses and industrially-zoned parcels and is consistent with the Industrial future land use designation.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).

Based on these findings, staff recommends that the City Council **approve** the requested special use application for a *painting, varnishing and undercoating shop* at 31330 Stephenson Highway.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-04 to permit a painting, varnishing and undercoating shop at 31330 Stephenson Highway in a M-2, Heavy Industrial District.

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

CM-22-176. MEETING OPEN TO THE PUBLIC

Kevin Wright, resident and member of HREC, thanked Council for passing the Juneteenth Proclamation. He spoke in support of the Juneteenth Flag resolution and invited the public to the 2nd Annual Juneteenth Festival on June 18th at Civic Center Park. Details about the event are on the Madison Heights Juneteenth Facebook page and website.

Martha Covert thanked Councilwoman Aaron for participating in the Mental Health Panel Discussion and noted that it was very illuminating, helpful and she would like to see more events like this.

Vita Palazzolo thanked Council for all the presentations tonight and thanked the Women's Club and Councilwoman Aaron for her work on mental health. She stated that disc golfers are causing damage to trees on the disc golf course.

CM-22-177. RESOLUTION TO ESTABLISH MICHIGAN CLASS (MI CLASS) AS AN APPROVED DEPOSITARY FOR INVESTMENT FUNDS

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Aaron, to approve a resolution to establish Michigan Class as an approved depository for investing the proceeds from the \$6.5 million bond for the Civic Center Project as follows:

AUTHORIZING RESOLUTION

WHEREAS, City of Madison Heights (the "City") desire to enter into or have entered into an interlocal agreement substantially in the form attached hereto as Exhibit B (the "Participation Agreement") for the purpose of exercising jointly the power each Public Agency has to invest its surplus funds; and

WHEREAS, the City is a Public Agency under the Participation Agreement and is authorized by Michigan law to invest its funds in certain investments (the "Permitted Investments"); and

WHEREAS, Act 7 of the Public Acts of the Extra Session of 1967, as amended, (the Urban Cooperation Act of 1967) authorizes the City to contract in the form of an interlocal agreement to provide for the manner of investment of surplus funds or proceeds of grants, gifts, or bequests to the parties to the interlocal agreement under the control of a legal or administrative entity created by that interlocal agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. The Governing Body adopts the Participation Agreement substantially in the form of Exhibit B which is incorporated in the Resolution by reference thereto and

agrees to join with other City to become a Participant under the terms of the Participation Agreement and to accept additional City as new Participants without subsequent action.

2. The Governing Body agrees to and concurs in the appointment of those Trustees either being appointed, to be appointed or currently serving as members of the Board of Trustees created under the Participation Agreement and recognizes those Trustees and their successors as the appointees of the Public Agency.
3. The Governing Body acknowledges and confirms the representation, warranties and covenants provided in the Participation Agreement to the Investment Advisor and Custodian under Participation Agreement, upon which they may respectively rely.
4. The Governing Body hereby authorizes Linda A. Kunath or Melissa R. Marsh (the "Authorized Officer"), to take the following actions with regard to the participation of the Public Agency in the Participation Agreement:
 - a. Deliver a certified copy of this Resolution to Investment Advisor under the Participation Agreement.
 - b. Execute and deliver all notices, directions and instructions required or permitted by the Participation Agreement from the Public Agency or Participant.
 - c. Make contributions to the Investment Property as provided in the Participation Agreement and select all or part of the Surplus Funds (as defined in the Participation Agreement) to be contributed to the Investment Property.
 - d. Consent to an amendment to the Participation Agreement on behalf of the Public Agency if such amendment is not materially adverse to the interest of the Public Agency, is necessary to conform to the Participation agreement with law, or is a technical change necessary to facilitate the intent of the Participation Agreement.
5. The Participant understands and agrees that it shall not amend or repeal this Resolution except to the extent necessary to alter the limitations imposed on the Authorized Officer, to change Authorized Officers, or to withdraw from the Participation Agreement.
6. All resolutions and parts of resolution in conflict with this Resolution shall be, and hereby are, amended or repealed to the extent of such conflict.

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

Absent: Councilman Fleming

Abstain: Councilor Wright

Motion Carried.

CM-22-178. PRIDE FLAG RESOLUTION

Motion by Councilor Rohrbach, seconded by Councilor Wright, to approve the Pride Flag Resolution as follows:

A RESOLUTION OF THE CITY OF MADISON HEIGHTS
PRIDE FLAG

On June 14, 2021, the City Council of the City of Madison Heights passed a resolution to display the United States flag, the State of Michigan flag, and the City of Madison Heights flag, on the flagpoles outside of the Madison Heights' City Hall building ("City Hall").

In addition to the above referenced flags, "other flags" may be displayed on a temporary basis, on a flagpole, outside of City Hall, upon the issuance of a resolution adopted by City Council, subject to the following: (a) The other flags may only be displayed for a period not to exceed thirty (30) days or one (1) month, whichever is longer; (b) the other flags shall constitute "government speech," only, for those causes, events, and celebrations that the City government supports and wishes to promote; and (c) nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event or celebration that the City government does not support or wish to promote.

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. The City of Madison Heights shall display the Pride flag from June 1, 2022, through and including June 30, 2022, on a flagpole outside of City Hall in recognition of Gay Pride month, and for the importance of recognizing our nation's diversity and the value of inclusivity for all. The City wants to send a message that we must not discriminate against people because of who they love, and we must not discriminate against people because of race, color, religion, national origin, gender (including pregnancy, gender identity, and sexual orientation), disability or genetics, including other such categories.
2. The Pride flag is authorized by City Council resolution, on a temporary basis, is considered "government speech," only, and is for a cause, event, and celebration that the City government supports and wishes to promote. Further, nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City does not support or wish to promote.
3. This Resolution pertains to the flagpoles outside of City Hall, which are reserved for government speech, only; and nothing herein prohibits or prevents people and groups from meeting in city parks or on other city property and waiving or holding the flags of their choosing for the events, causes, and celebrations they support or wish to promote.

4. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Resolution. This Resolution shall become effective immediately upon passage.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-179. JUNETEENTH FLAG RESOLUTION

Motion by Councilor Wright, seconded by Councilor Rohrbach, to approve the Juneteenth Flag Resolution as follows:

A RESOLUTION OF THE CITY OF MADISON HEIGHTS JUNETEENTH FLAG

On June 14, 2021, the City Council of the City of Madison Heights passed a resolution to display the United States flag, the State of Michigan flag, and the City of Madison Heights flag, on the flagpoles outside of the Madison Heights' City Hall building ("City Hall").

In addition to the above referenced flags, "other flags" may be displayed on a temporary basis, on a flagpole, outside of City Hall, upon the issuance of a resolution adopted by City Council, subject to the following: (a) The other flags may only be displayed for a period not to exceed thirty (30) days or one (1) month, whichever is longer; (b) the other flags shall constitute "government speech," only, for those causes, events, and celebrations that the City government supports and wishes to promote; and (c) nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City government does not support or wish to promote.

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. The City of Madison Heights shall display the Juneteenth flag from June 17, 2022, through and including June 20, 2022, on a flagpole outside of City Hall in recognition of the end of slavery and the step forward it represented on our continuing path to living out our nation's creed of freedom and equality for all. The City wants to send a message that we must not discriminate against people because of race, color, religion, national origin, gender (including pregnancy, gender identity, and sexual orientation), disability or genetics, including other such categories.
2. The Juneteenth flag is authorized by City Council resolution, on a temporary basis, is considered "government speech," only, and is for a cause, event, and celebration that the City government supports and wishes to promote. Further, nothing herein shall be considered or deemed to be a "limited public forum,"

allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City does not support or wish to promote.

3. This Resolution pertains to the flagpoles outside of City Hall, which is reserved for government speech, only; and nothing herein prohibits or prevents people and groups from meeting in city parks or on other city property and waiving or holding the flags of their choosing for the events, causes, and celebrations they support or wish to promote.
4. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Resolution.

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

**CM-22-180. CED DIRECTOR - ORDINANCE NO. 2182, ZONING TEXT
 AMENDMENT 22-01 - MOBILE FOOD VENDOR, SECOND
 READING**

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to approve Ordinance No. 2182, Zoning Text 22-01, on Second Reading as follows:

Ordinance No. 2182
 City of Madison Heights
 Oakland County, Michigan
 Zoning Text Amendment 22-01

An ordinance to amend Ordinance 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending Appendix A, Zoning Ordinance, to add Sections 10.2200 through 10.2205 which provide regulations pertaining to mobile food vendors and the operation of mobile food vehicles on private property within the City.

The City of Madison Heights ordains:

Section 1. Sections 10.2200 through 10.2205 are hereby added as follows:

MOBILE FOOD VENDING

Section 10.2200 – Purpose, Intent and Applicability.

These sections are intended to: (1) expand convenient and varied eating options in the City of Madison Heights; (2) support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and (3) protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g. ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

Section 10.2201 – Definitions.

- (A) *Brick and Mortar Restaurant*: A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.
- (B) *Mobile Food Vehicle*: A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream trucks).
- (C) *Mobile Food Vendor*: An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.
- (D) *Mobile Food Court*: A private property which has been approved under the provisions of this Ordinance for the operation of two (2) or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.
- (E) *Mobile Food Site*: A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.

Section 10.2202 – Approvals Required

- (A) A **private property owner** intending to designate their property as a **mobile food site** shall obtain the following approvals:
 1. *Mobile Food Site Approval*. The property owner shall apply for mobile food site approval in accordance with **Section 10.2203**, below. Mobile food site approval constitutes general zoning approval for the operation of a mobile food vehicle as an accessory use on the site.
- (B) A **private property owner** intending to designate their property as a **mobile food court** shall obtain the following approvals:
 1. *Special Use Approval*. The property owner shall apply for special use approval under the provisions of **Section 10.201** and satisfy the mobile food court standards in accordance with **Section 10.2204**, below.
 2. *Site Plan Approval*. Upon receiving special use approval through City Council, the property owner shall apply for site plan approval under the provisions of **Section 10.514** and satisfy the mobile food court standards in accordance with **Section 10.2204**, below.

(C) A **mobile food vendor** shall obtain the following prior to operating a **mobile food vehicle** within the City of Madison Heights:

1. *Mobile Food Vendor Certificate of Occupancy.* Mobile food vendors shall obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section **10.2205**.
2. *Business License.* Mobile food vendors shall obtain a business license from the City Clerk in accordance with **Chapter 7** of the Code of Ordinances of the City of Madison Heights.

Section 10.2203 – Mobile Food Sites

Any person intending to create and designate a mobile food site as an accessory use on their property shall first obtain mobile food site approval in accordance with the following provisions. This section does not apply to mobile food courts.

(A) *Locational Requirements.* Mobile food sites shall satisfy all of the following locational requirements:

1. The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.
2. The property shall contain a principal building or use. A mobile food site shall be deemed an accessory use of a property.
3. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property containing an existing brick and mortar restaurant, measured from the mobile food vehicle service window to the nearest property line of the property containing such brick and mortar restaurant(s). The 100 foot separation requirement shall only apply on the same linear block face as the mobile food vehicle. The following exceptions apply:
 - a. This standard may be waived if all of the affected brick and mortar restaurant(s) submit a letter to the Community and Economic Development Department indicating that they choose to waive the 100 foot separation requirement.
 - b. A brick and mortar restaurant owner may operate a food truck at the site of their own brick and mortar restaurant upon satisfying the remaining locational and general requirements of this Ordinance.
4. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the mobile food vehicle service window to the nearest property line of the residential property. A mobile food site may be established within 100 feet of a property zoned R-1, R-2, R-3 or R-M as a special use, in compliance with the process outlined in Section 10.201.

(B) *General Requirements.* A mobile food site shall satisfy the following general requirements:

1. No more than one (1) mobile food vehicle may operate or be placed on a mobile food site at one time. Only one (1) mobile food vehicle pad may be designated on the site plan.
2. The designated mobile food vehicle pad shall be located a minimum of 15 feet from any fire hydrant and 5 feet from any property line, driveway, sidewalk, utility box or vault, accessible ramp, building entrance or exit, or emergency call box.
3. The designated mobile food vehicle pad shall be on a paved surface.
4. The placement of the mobile food vehicle shall not reduce the availability of the minimum number of parking spaces required for the principal use on site nor impede vehicular or pedestrian circulation on site.
5. No portion of the mobile food vehicle shall hang over a public right-of-way or interfere with clear vision triangles.
6. An outdoor seating area may be designated consisting of portable tables and a seating capacity of eight. Outdoor seating areas shall not be placed within the right-of-way and shall not impede vehicular or pedestrian circulation in site.

(C) *Submittal Requirements.* A private property owner intending to designate their property as a mobile food site shall submit the following:

1. *Mobile Food Site application.*
2. *Site Plan.* Dimensioned site plans shall be 11" x 17" in size and shall denote, at minimum, the following:
 - a. Street, curbs, sidewalks and property lines.
 - b. The zoning classification of the subject site and adjacent sites.
 - c. Existing building footprints with tenant spaces labeled.
 - d. Existing accessory structures and refuse container footprints.
 - e. Parking spaces and drive aisles.
 - f. The general layout and dimensions of the mobile food vehicle pad.
 - g. The location and surface material of all paved areas.
 - h. The on-site storage location of the mobile food vehicle during non-operational hours, if applicable.
 - i. The location of fire hydrants.
 - j. The location of on-site water, generator and/or electric utilities that will serve the mobile food vehicle.
 - k. The location of any designated outdoor seating areas.
 - l. Sufficient details to demonstrate that the locational and general requirements of Section 10.2203(A) and (B) can be satisfied.
3. *Restaurant Map.* A map identifying existing brick and mortar restaurants within a 150-foot radius of the subject property.

(D) *Site Plan Review Committee (SPRC) Approval:* All applications and associated site plans for proposed mobile food sites shall be forwarded to the Site Plan Review Committee for review and approval.

(E) *Annual Approval Required.* Mobile Food Site approval shall be valid for a period of one (1) year. Property owners shall be required to apply for mobile food site approval annually under the provisions of this Ordinance.

Section 10.2204. Mobile Food Courts

Any person intending to create and designate a mobile food court as a principal use on their property shall first obtain mobile food court approval in accordance with the following provisions.

(A) *Special Use Approval Required.* Mobile food courts shall be deemed a principal use of the property and shall require special use approval in accordance with the provisions of **Section 10.201** and the standards of this Ordinance.

(B) *Site Plan Approval Required.* Upon receiving special use approval, the property owner shall obtain site plan approval in accordance with the provisions of **Section 10.514**.

(C) *Locational Requirements.* Mobile food courts shall satisfy the following locational requirements: The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.

(D) *General Requirements.* A mobile food court shall satisfy the following general requirements:

1. The mobile food court site plan shall designate a minimum of two (2) and a maximum of eight (8) pads for the operation of mobile food vehicles. All mobile food vehicle pads shall be on a paved surface.
2. Permanent structures shall satisfy the setback, height, and lot coverage requirements contained in *Section 10.400 – Schedule of Regulations*.
3. *Outdoor Seating Areas.* Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8 foot-high solid obscuring wall.
4. *Landscaping.* The site plan shall satisfy the landscaping and screening requirements contained in *Section 10.510 – Landscaping and Screening*.
5. *Parking.* A minimum of two (2) parking spaces shall be required per each individual mobile food vehicle pad on site. Parking dimensions and design shall satisfy the requirements of *Section 10.505 – Parking Requirements*.
6. *Lighting.* On-site exterior lighting shall satisfy the provisions of *Section 10.512 – Exterior Lighting*.
7. *Restrooms.* Permanent restroom facilities shall be provided within the boundaries of the mobile food court in accordance with the Michigan Plumbing Code.

8. *Water requirements.* Water hookup/access shall be provided for each individual mobile food vehicle pad on site.
 9. *Electrical requirements.* Electricity access shall be provided for each individual mobile food vehicle pad on site. Portable generators are prohibited.
 10. *Signs.* A master sign plan for the mobile food court shall be submitted for review and approval as part of the site plan approval process. The plan shall provide information relating to permanent signs for the mobile food court, as well as individual signs for each business. Permanent ground and wall signs shall satisfy the standards of Section 10.511 – Sign Regulations.
 11. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
 12. Alcohol sales shall only be permitted from a permanent structure on-site.
- (E) *Submittal Requirements.* A private property owner intending to operate a mobile food court as a principal use shall submit the following:
1. A Special Use Approval application, in accordance with Section 10.201.
 2. A Site Plan application, in accordance with the procedures and submittal requirements of Section 10.514. In addition to the requirements of Section 10.514, the site plan shall denote the following:
 - a. The location and orientation of each mobile food vehicle pad and each permanent structure.
 - b. The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.
 - c. The location of all fire lanes.
 - d. The location of fire hydrants.
 - e. Lighting Plan.
 - f. The location and type of water supply and electrical outlet(s) provided for each mobile food vendor pad.
 - g. Signage plan.

Section 10.2205 – Mobile Food Vendor Certificate of Occupancy

A mobile food vendor must obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they intend to operate in accordance with the following provisions.

- (A) *Operational Requirements.* Mobile food vendors shall comply with the following operational requirements:
1. Mobile food vendors shall only be permitted to operate from a mobile food site approved in accordance with Section 10.2203 or a mobile food court approved in accordance with Section 10.2204.

2. Mobile food vendors shall not operate at a mobile food site or a mobile food court without first obtaining written approval from the private property owner.
3. Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food site or mobile food court.
4. Mobile food vendors shall maintain a valid business license issued by the City Clerk, and shall display such license on the mobile food vehicle.
5. Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division, and shall display such approval on the mobile food vehicle.
6. During non-operational periods in excess of 24 hours, the mobile food vehicle and associated equipment (i.e. tables and signs) shall either be removed from the mobile food site or moved to a location on-site that is not readily visible from the public right-of-way. The on-site storage location shall be shown on the mobile food site plan. This provision shall not apply to approved mobile food courts.
7. Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.
8. A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.
9. Sales of alcoholic beverages are prohibited from a mobile food vehicle.
10. Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board "A-frame" sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.
11. Flashing, blinking or strobe lights are prohibited.
12. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
13. A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.

14. Permanent connections to water and sanitary sewer lines and mains are prohibited.

(B) *Submittal Requirements.* A mobile food vendor intending to obtain a certificate of occupancy shall submit the following:

1. Mobile Food Vendor Certificate of Occupancy application.
2. Written approval from the property owner of the mobile food site or mobile food court to operate on said property.
3. A copy of the approved food license from the Oakland County Environmental Health Division.
4. A copy of the approved Madison Heights business license.
5. A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.
6. Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.
7. A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(C) *Annual Renewal Required.* Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(D) *Revocation of Certificate of Occupancy.* An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

Section 2. Repealer

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

Section 3. Severability

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

Section 4. Savings

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

Section 5. Effective Date.

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

Section 6. Enactment

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

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

Absent: Councilman Fleming

Motion Carried.

CM-22-181. MINUTES

Motion by Councilor Rohrbach, seconded by Councilwoman Aaron, to approve the Special City Council meeting minutes of April 11, 2022, Special City Council meeting minutes of May 9, 2022, and the Regular City Council meeting minutes of May 9, 2022 as printed.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-182. MAYOR AND COUNCIL COMMENTS

Councilwoman Aaron expressed thanks to all the police officers for their work on behalf of the City and expressed congratulations to the Madison Heights Women's Club on their 45th Anniversary. She stated that today would have been her maternal grandmother's birthday, and she always said "be your best and people will know your name." She hopes she is living up to her expectations. She spoke regarding the mental health event held prior to this meeting and thanked the participants and speakers. Mental health goes beyond the month of May and stated that she would like to continue the panel discussion.

Mayor Pro Tem Bliss congratulated all of the officers recognized this evening; their courage and work discussed tonight is just the tip of the iceberg and noted that the appreciation expressed doesn't stop with the commendations tonight. He stated he appreciates the Women's' Club and congratulated them on their honor and their anniversary. They are incredibly generous with their time, talent and deeds and we are

lucky in the community to have them. He stated he is excited to announce that the Michigan Municipal Review magazine has a story on the City's Trail Tunes event and thanked everyone who has donated to make these events happen. He expressed Happy Anniversary wishes to his wife of 15 years.

Councilor Wright expressed congratulations to the recipients of the Madison Heights Police Department commendations and stated he is proud and happy to hear their stories. He congratulated the Madison Heights Women's Club on their anniversary and commented that their work is fantastic and a good example for the community. Information regarding the Juneteenth event is on Facebook and Instagram and this will be a fantastic event which celebrates America's freedom for all. He noted that he attended the Active Adult Advisory Board meeting and wanted to let them know we hear you and we know you care about this community. He stated he believes we need to take the stigma out of mental health and we need to deal with mental health every day. We also need to take the extremes out of mental health talk. There are resources out there for those that are interested; mental health has to be address or it will come out in other ways. He spoke regarding the terrorist attack in Buffalo, New York where someone felt so strongly in their views that they took action and people died for no reason other than they looked different. This is a reality that we need to recognize and we need to love and embrace our differences and not see them as divisive. We have to understand what it means to be different and how it impacts your life. God bless those families that lost their love ones and those that loss their life. Please remember to be kind.

Assistant City Attorney Sherman stated that 901 E Ten Mile Road has been demolished and the next step is for 949-959 E Ten Mile Road to be demolished.

City Manager Marsh announced that the next Council meeting will be held at the Fire Station 1 Training Room on June 13th due to the City renovation project. Meetings will continue to be held there until January. She congratulated members of the Police Department that received commendations and noted that there are great men and women in the department. She expressed congratulations to the Women's Club and stated that she appreciates the entire group. This Saturday is the Memorial Day celebration at 10 a.m. to remember those that have given their lives for this country.

City Clerk Rottmann stated that the absentee ballot applications have been mailed to those on the City's permanent absentee application list. She noted this was her 8-year work anniversary with the City and stated it was a great place to work.

Councilor Rohrbach concurred with all the Council comments this evening. Thank you to the Police Department for their work saving lives and keeping us safe. Thank you to the Women's Club for all their work. The Parks and Rec Advisory Board Treads on Tuesday walking club is at 6 p.m. and rotates in the City parks; this week the club will be walking at the Nature Center. The Arts Board and Human Relations and Equity Commission are co-sponsoring and planning the Madison Heights Arts and Pride picnic at Civic Center Park on June 24th. She noted June will be a busy month for activities including the Bike Rodeo, Juneteenth, Arts and Pride Picnic and the Festival in the Park. She thanked Council for adding the Gun Violence Awareness Day Proclamation to tonight's agenda.

Councilman Soltis stated that our Police Officers are nothing short of spectacular. He stated that he has gone on a ride-along and spoke of his experience and respect for our City's police work. Senior citizens are in need. They are having problems paying for their medication and paying property taxes and we need strong voices in Lansing to represent them. We need to honor our seniors and repay them for their hard work. He congratulated the Women's Club, this is a great group and they do wonderful work.

Mayor Grafstein concurred with Council's comments on the Police and the Women's Club. Memorial Day is this weekend, the Festival in the Park is back, and the City-wide Garage Sale and Bike Rodeo are on June 11th. There are lots of activities in the next month, and she encourages everyone to get out and enjoy. She thanked Councilwoman Aaron for hosting the mental health event this evening and agreed that we do need to have more outreach with mental health. She stated that we have an Islamic Center as well as a Chinese Cultural Center and both are very welcoming. She stated that 26% suffer from mental illness and we need to treat it as a serious illness and there is a huge need for professionals in this area. The next Council meeting is on June 13th at the Fire Station 1 Training Room.

CM-22-183. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk

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

SUBMITTED TO: _____

SUBMITTED BY: _____ DATE: _____

FOR CONSIDERATION AT THE COUNCIL MEETING OF: _____

ACTION REQUESTED

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

DESCRIPTION OF ITEM

IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS

POLICY CONSIDERATION

FINANCIAL IMPACT

| | |
|-------------------------------------------------|---------------------------|
| No Impact _____ | Fee Waiver Proposed _____ |
| Budgeted Fund Name(s) _____ | Department Name _____ |
| Appropriated in Acct. No. _____ | Budget Amount _____ |
| Amount Available in Acct. _____ | |
| Second Account Number _____ | Budget Amount _____ |
| Amount Available in 2 nd Acct. _____ | Revenue Generated _____ |
| Other Comments _____ | |

REVIEW CHECKLIST

| | |
|--------------------|------------|
| DEPARTMENT _____ | DATE _____ |
| DEPARTMENT _____ | DATE _____ |
| CITY MANAGER _____ | DATE _____ |