



CITY OF MADISON HEIGHTS
FIRE STATION 1 TRAINING ROOM - 31313 BRUSH STREET
CITY COUNCIL REGULAR MEETING AGENDA
OCTOBER 10, 2022 AT 7:30 PM

CALL TO ORDER

ROLL CALL

INVOCATION and PLEDGE OF ALLEGIANCE - MAYOR PRO TEM BLISS

APPROVAL OF THE AGENDA:

1. Additions/Deletions **Consent -TA between Police Command Officers Union and MH**

PRESENTATIONS

2. Resolution Declaring the Second Monday in October as Indigenous Peoples Day in Madison Heights

PUBLIC HEARINGS:

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

ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE

MEETING OPEN TO THE PUBLIC:

CONSENT AGENDA:

4. Proclamation Declaring Fire Prevention Week October 9th - 15th
5. City Council Regular Meeting Minutes of September 26, 2022

COMMUNICATIONS:

REPORTS:

6. Human Resources Director - Resolution to Opt Out of PA 152
7. Police Chief - Animal Control and Shelter Operations with Oakland County

ITEMS FOR FUTURE PUBLIC HEARINGS:

BID AWARDS/PURCHASES:

8. DPS Director - Civic Center Playscape Grant/Purchase

ORDINANCES:

9. CED Director - Zoning Text Amendment ZTA 22-02 [Ordinance 2188] - Caregiver Marihuana Grow Overlay District Amendment - First Reading
10. DPS Director - Ordinance No. 2189, Stormwater Ordinance Update - First Reading

UNFINISHED BUSINESS:

MINUTES:

EXECUTIVE SESSION:

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

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: October 5, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, October 10, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, October 10, 2022.

PRESENTATIONS

RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES DAY IN MADISON HEIGHTS

City Council is scheduled to declare the second Monday in October, October 10th, as Indigenous People's Day in Madison Heights.

PUBLIC HEARINGS

ORDINANCE 2187 - REZONING REQUEST PRZN 22-03 - 29022 STEPHENSON HWY. – REMOVAL FROM PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT, SECOND READING

Staff requests to remove three (3) parcels of land at 29022 Stephenson Highway from the Caregiver Marihuana Grow Overlay District.

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly limit the establishment of medical and recreational marihuana facilities meeting distance guidelines in the M-1, Light Industrial, or M-2, Heavy Industrial. Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances, the applicable parcels were included in an Allowed Parcels Map that automatically changes when properties are rezoned and no longer meet the ordinance requirements. Under a separate ordinance, the City also created a new zoning for Caregivers which included a Caregiver Marihuana Grow Overlay District. While the boundaries of this Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, "a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District."

Therefore, when City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district these parcels were effectively removed from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances but remain in the stand-alone Caregiver Overlay District.

City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in order to reflect their new underlying B-3 zoning designation. Based on the Planning Commission's findings and recommendation, the staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon a second reading.

REPORTS

RESOLUTION TO OPT-OUT OF PA 152

Public Act 152, as amended, limits the amount that public employers pay toward employee medical benefit plans. Beginning January 1, 2023, the City Council is required to make an election for this choice of compliance for the subsequent calendar year. Given that all the City's Collective Bargaining Agreements approved by City Council provide for a 10% employee premium sharing, Council is requested to opt-out of PA 152 as allowable under that statute for the calendar year.

ANIMAL CONTROL AND SHELTER OPERATIONS WITH OAKLAND COUNTY

As part of the 2021 strategic planning goals, City Council adopted goal 1.3 to Enhance Animal Control and Shelter Operations which included looking at shared animal control services. Following this Council direction, staff regularly evaluated opportunities and has recently reviewed the pros and cons of partnering with Oakland County Animal Control for some of our animal control services while retaining our in-house animal control officer.

These services would be provided by Oakland County at no additional cost and would actually result in significant savings to the City for multiple animal services that currently hold a fee for use such as animals that are currently transferred to Oakland County. Under the terms of this agreement, Oakland County would provide one (1) full-time animal control officer to the city between the hours of 8:00 a.m. – 4:30 p.m. Monday – Friday. In addition, they will be responsible for all costs associated with dogs transferred to Oakland County and cat abuse or hoarding complaints. The City's current animal control officer will also be retained to handle barking dogs, wildlife, and road kill.

The majority of these services are already paid by residents to Oakland County through their county taxes however residents would still be required to purchase a dog license through Oakland County. The Madison Heights Clerks office would facilitate these services to our residents through June, helping with the transition to online services. Further staff will continue to be available to assist residents that may not be able to access online services.

Staff will be working with Oakland County to assist low-income residents who may have difficulty complying with the new Oakland County fee structure.

Therefore, the staff and I recommend City Council approve the coordination with Oakland County animal control effective November 1, 2022, staff will follow up with a one-year assessment of this program.

BID AWARDS/PURCHASES

CIVIC CENTER PLAYScape GRANT/PURCHASE

The FY 2023 Budget includes funding for the replacement of the aged play structure at Civic Center Park. This structure was installed in FY 2001 and has reached the end of its useful life. The DPS staff is already planning its removal within the next month due to its degraded condition and lack of availability of parts.

Again this year Adam Owczarzak and Sean Ballantine applied for the 2022 GameTime matching grant through Sinclair Recreation for the Civic Center Park playscape. It is our pleasure to report that we were awarded this grant, providing a total savings of \$70,793 for Civic Center Park playscape allowing us to install an exciting custom ramped structure that meets ADA and UA standards for children of all abilities.

The proposal for this GameTime structure through Sinclair Recreation is based on cooperative pricing through the Omnia Partners purchasing consortium. Staff, therefore, recommends that Council consider two motions.

- To accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.

To award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92. Funds are budgeted and available.

ORDINANCES

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

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

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

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

Therefore, the staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon the first reading and schedule the second reading for the October 24th, 2022 City Council meeting.

ORDINANCE NO. 2189, STORMWATER ORDINANCE UPDATE – FIRST READING

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

Therefore, Staff and I recommend City Council approve Ordinance 2189 on first reading, and schedule the second reading for October 24, 2022.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10/22

PREPARED BY: Melissa Marsh, City Manager

AGENDA ITEM CONTENT: Indigenous People Resolution

AGENDA ITEM SECTION: Presentations

BUDGETED AMOUNT: n/a

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

City Council is being asked to recognize the second Monday in October (October 11) as Indigenous People's Day in Madison Heights.

RECOMMENDATION:

Staff recommends that council adopts this resolution declaring the second Monday in October as Indigenous People's Day in Madison Heights

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN, DECLARING THE SECOND MONDAY IN OCTOBER INDIGENOUS PEOPLE'S DAY

WHEREAS, the City of Madison Heights recognizes the annexation of the Odawa, Ojibwe, and Potawatomi Indigenous Nations who have lived upon this land and values the progress our society has accomplished through Native American thought and culture; and

WHEREAS, the City of Madison Heights recognizes the need honor the city's Native American residents, Michigan's 12 federally recognized tribes, state historic tribes and all Indigenous people who come from across the western hemisphere to live and work within Madison Heights; and

WHEREAS, the City of Madison Heights understands that in order to help close the equity gap, government entities, organizations, and other public institutions must change their policies and practices to better reflect experiences of Native American peoples and uplift our country's indigenous roots, history, and contributions; and

WHEREAS, the idea of Indigenous People's Day was first proposed in 1977 by a delegation of Native Nations to the United Nations – sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, in 1990, representatives from 120 Indigenous Nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an opportunity to educate the rest of the country about pre-existing indigenous cultures that have survived an often violent colonization process and continue to exist and thrive in present day America; and

WHEREAS, In late September, Oakland County Board of Commissioners, resolved to make October 11 Indigenous Peoples' Day and many Michigan cities have already declared the second Monday in October Indigenous People's Day including Detroit, Ann Arbor, Traverse City, Alpena, East Lansing and Ypsilanti, to honor the culture, heritage and contributions of Native Americans; and

NOW, THEREFORE, BE IT RESOLVED that the City of Madison Heights shall recognize Indigenous People's Day, replacing Columbus Day, on the second Monday of October; and

IT IS FURTHER RESOLVED that the City of Madison Heights encourages

1. All public offices and businesses in the City to refer to the second Monday in October as Indigenous People's Day rather than Columbus Day: and
2. City Council urges all schools, school districts and children's educational programs in Madison Heights to join in the celebration of Indigenous Peoples' Day with appropriate social, cultural and educational activities recognizing the historical and continuing contributions of Native American people to our society.



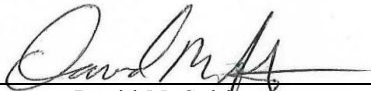
Roslyn Grafstein
Mayor



Toya D. Aaron
Councilwoman



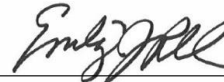
Sean D. Fleming
Councilman



David M. Soltis
Councilor



Mark A. Bliss
Mayor Pro Tem



Emily J. Rohrbach
Councilor



Quinn J. Wright
Councilor



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10/22

PREPARED BY: Matt Lonnerstater, AICP

AGENDA ITEM CONTENT: Rezoning PRZN 22-03 (Ordinance 2187): 29022 Stephenson Hwy.- Removal from Primary Caregiver Marihuana Grow Overlay District - Second Reading

AGENDA ITEM SECTION: Public Hearings

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The applicant, The City of Madison Heights, requests to remove 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 the Caregiver Marihuana Grow Overlay District. 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, and currently have an underlying zoning designation of B-3, General Business.

RECOMMENDATION:

Staff recommends that City Council hold the public hearing and subsequently adopt Ordinance # 2187 (PRZN 22-03) upon second reading.



MEMORANDUM

Date: September 22nd, 2022
 CC Meeting: October 10th, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Rezoning Request PRZN 22-03 – 29022 Stephenson Hwy. – Public Hearing and Second Reading

Introduction

The applicant, The City of Madison Heights, requests to remove 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 the Caregiver Marihuana Grow Overlay District. 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, and currently have an underlying zoning designation of B-3, General Business.

Background

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

Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances and the associated Allowed Parcels Map, Madison Heights created a new zoning overlay district known as the Caregiver Marihuana Grow Overlay District (referred to herein as the 'Caregiver Overlay District'). The Caregiver Overlay District allows for the establishment of individual registered medical marihuana caregivers on parcels identified within the associated Overlay District map. While the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, "*a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.*"

The subject site pertaining to this case 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. At the property owner's request, City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district. By rezoning the parcels to B-3, City Council effectively removed the properties from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances. However, the subject parcels still technically remain in the stand-alone Caregiver Overlay District. City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in

order to reflect their new underlying B-3 zoning designation and the fact that they are now ineligible for the establishment of Medical Marihuana and/or Adult-Use Marihuana facilities.

When reviewing a rezoning request, 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	B-3, General Business
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).

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

Based on the Planning Commission staff report from May 15th, 2020, the Caregiver Overlay District map was intended to be, *“identical to the map approved by City Council for Medical Marihuana Facilities and identical to the map that will be presented to City Council in defining where Adult-Use Marihuana Establishments can be located in the city.”* Further, per the Zoning Ordinance, *“the purpose and intent of [the Primary Caregiver Marihuana Grow Overlay District] is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.”*

While the Caregiver Overlay District is technically separate from the Allowed Parcels Map associated with the Adult-Use/Medical Marihuana ordinances, it is, for all intents and purposes, intended to match that of the Allowed Parcels Map. Staff also finds that the external effects of a 72-plant caregiver operation (e.g. odor) are not appropriate for, nor aligned with, the uses permitted within the B-3 General Business Zoning District. Staff finds that primary caregiver operations should be restricted to properties with underlying industrial zoning designations to match that of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances and to ensure that the permitted uses in the B-3 zoning district are not negatively impacted by caregiver operations

The Planning Commission also instructed staff to explore a text amendment to the Primary Caregiver Marihuana Grow Overlay District to require an underlying zoning designation of M-1 or M-2 to match the language of the Medical Marihuana Facilities and Marihuana Establishments Ordinances.

Planning Commission Action

At their August 16th, 2022 meeting, the Planning Commission **recommended approval** of the requested rezoning based upon the following findings:

1. City staff requests that the three (3) subject parcels be rezoned to remove them from the Primary Caregiver Marihuana Grow Overlay District.
2. City Council recently rezoned the underlying districts of the subject parcels from M-1, Light Industrial, to B-3, General Business, but did not remove them from the Caregiver Overlay District.
3. Per the Medical Marihuana Facilities and Adult-Use Marihuana Establishment ordinances and the associated Allowed Parcels Map, B-3-zoned parcels are not eligible for the establishment of medical marihuana or adult-use marihuana facilities. However, the Primary Caregiver Marihuana Grow Overlay District contains a stand-alone map and the associated district text does not refer to underlying zoning districts.
4. Upon its adoption, the Primary Caregiver Marihuana Grow Overlay District map was intended to be identical to the Allowed Parcels Map, and therefore was intended to only apply to M-1 and M-2-zoned parcels.
5. Primary medical marihuana caregivers are not aligned with the intent of the B-3, General Business, zoning district nor compatible with uses permitted in the B-3 district.

The Planning Commission has directed staff to develop a zoning text amendment to limit medical marihuana caregivers to parcels that are denoted on the Overlay District Map and contain an underlying M-1 or M-2 zoning designation

Next Step

Based on the Planning Commission's findings and recommendation, staff recommends that City Council hold the public hearing and subsequently adopt Ordinance # 2187 (PRZN 22-03) upon second reading.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **October 10th, 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 rezoning requests:

Rezoning Request No. PRZN 22-0003 by the City of Madison Heights 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 remove the subject parcels from the Primary Caregiver Marihuana Grow Overlay District.

The applications 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

POSTING: Madison-Park News – September 21st, 2022

ORDINANCE NO. 2187

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

THE CITY OF MADISON HEIGHTS ORDAINS:

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

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

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

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

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

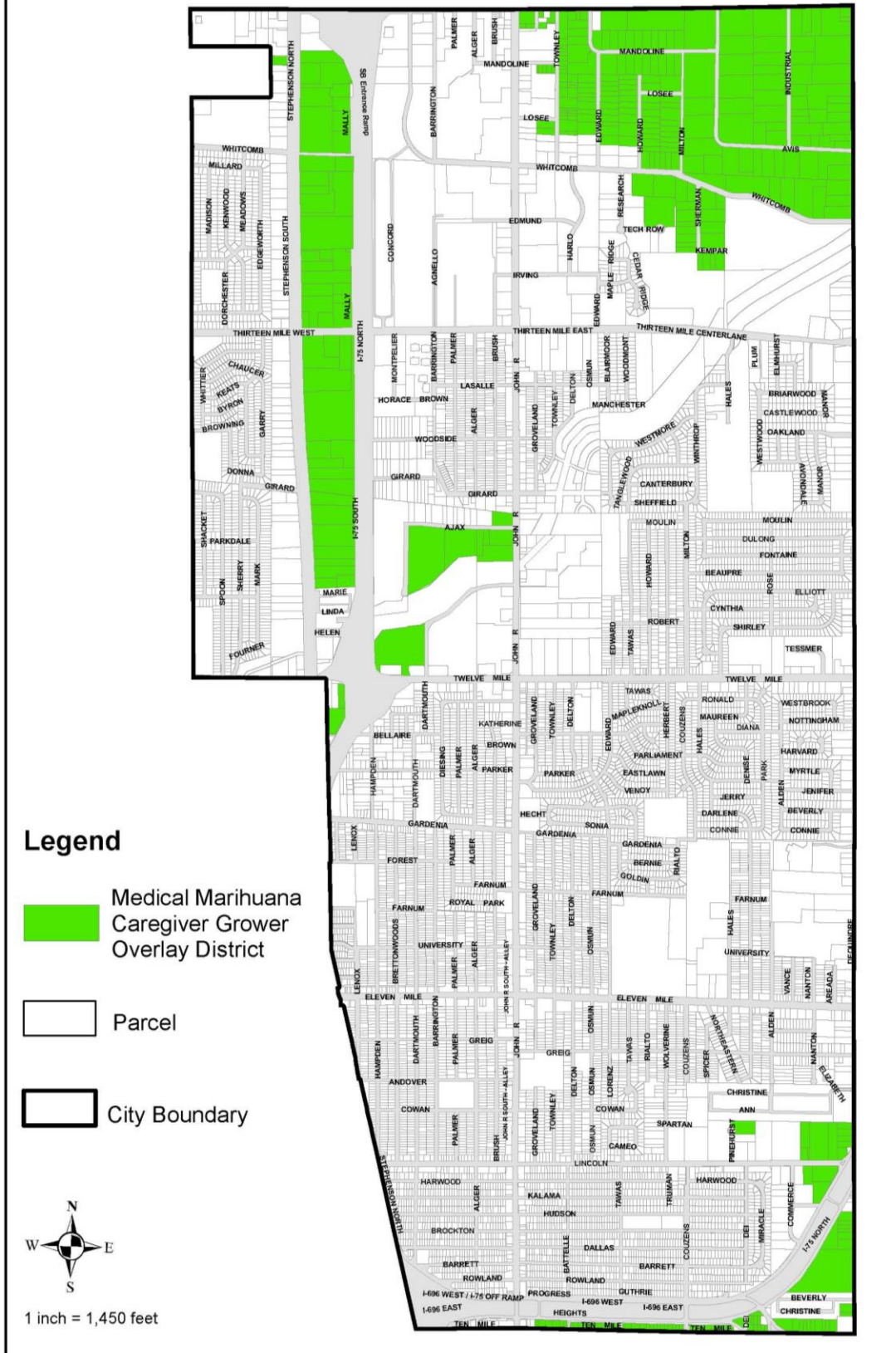
T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02

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

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

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

Medical Marihuana Caregiver Grower Overlay District



SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

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

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk

CERTIFICATION:

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

Cheryl E. Rottmann
City Clerk

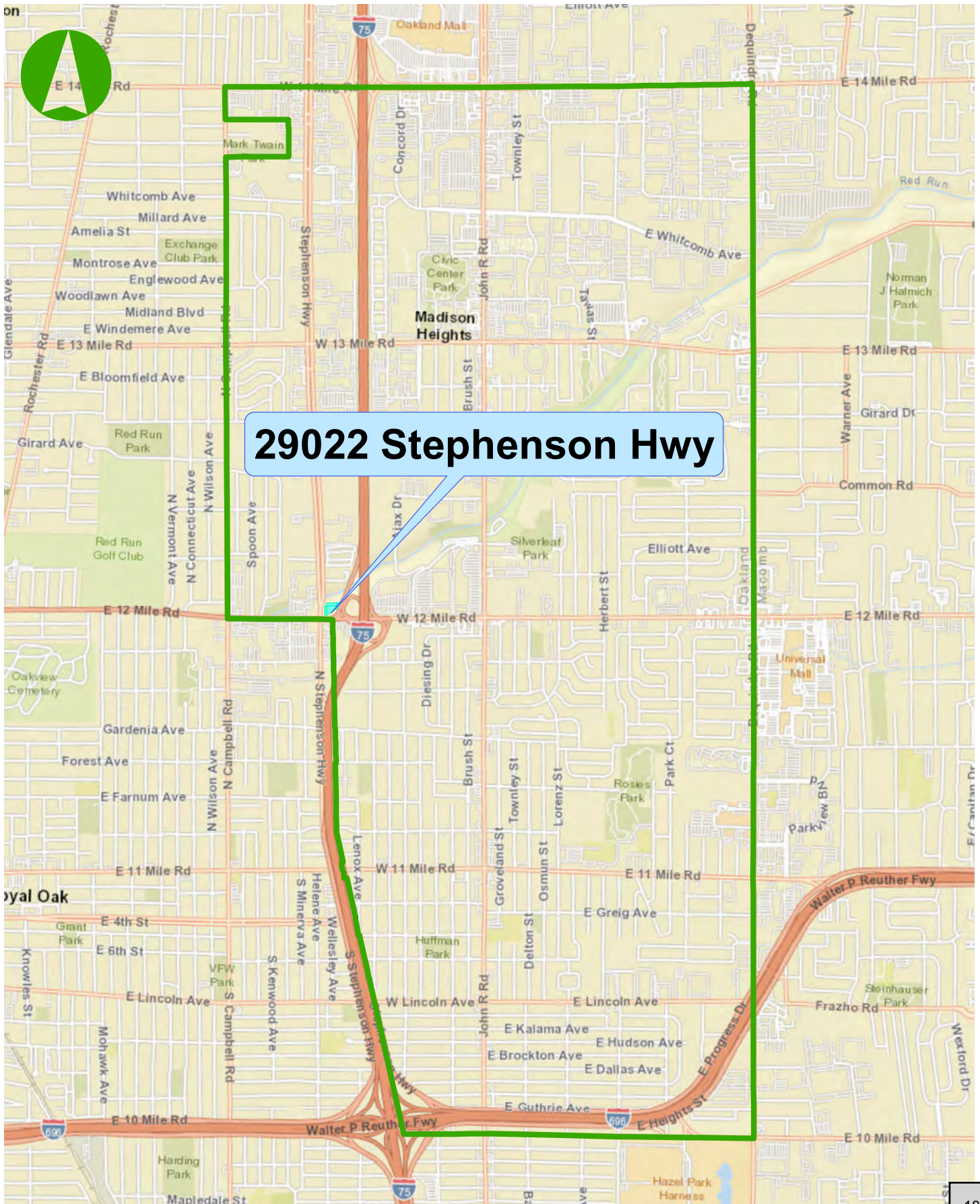
FIRST READING: September 12th, 2022

SECOND READING AND PUBLIC HEARING: October 10th, 2022

ADOPTED: _____, 2022

PUBLISHED: _____, 2022

EFFECTIVE: _____, 2022

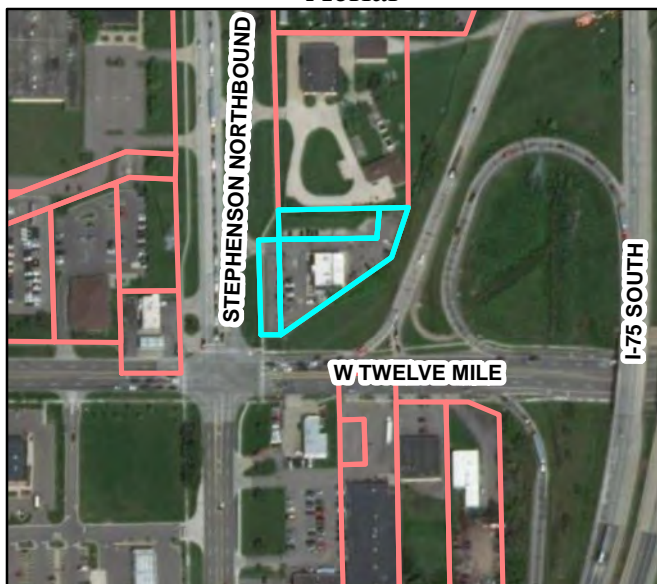


Site Address: 29022 Stephenson Hwy

Click for maps

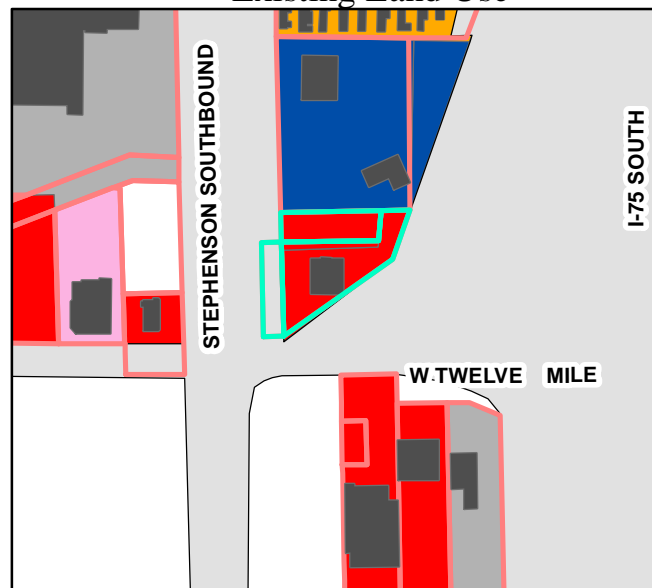


Aerial



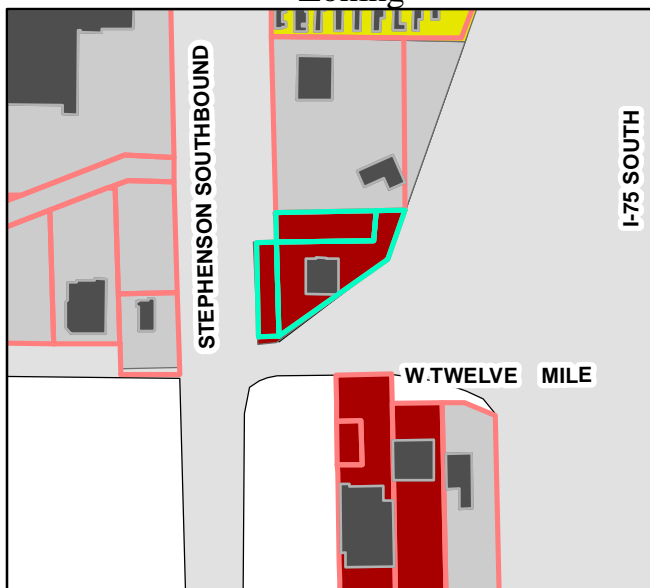
- 29022 Stephenson Hwy
- Parcels

Existing Land Use



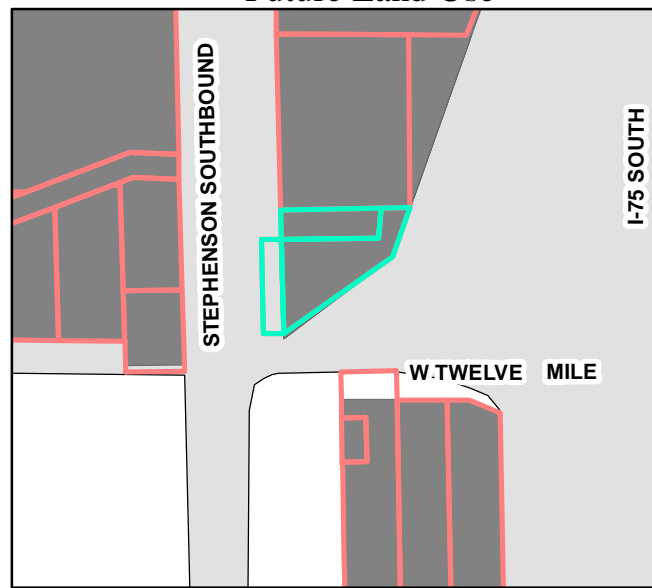
- 29022 Stephenson Hwy
- Buildings
- Parcels
- Industrial
- Vacant
- Mobile Home Park
- Office
- Commercial
- Public

Zoning



- 29022 Stephenson Hwy
- Buildings
- Parcels
- M-1 Light Industrial
- H-M Mobile Homes
- B-3 General Business

Future Land Use



- 29022 Stephenson Hwy
- Industrial
- Single Family
- Public and Schools
- Multiple Family
- Recreation
- Office
- Conservation
- Commercial
- Mixed Use Innovation



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

Item 3.

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: REMOVAL FROM PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT
2. The property address is 29022 STEPHENSON HIGHWAY and the parcel is located on the EAST side of STEPHENSON HIGHWAY between E. TWELVE MILE ROAD and E. THIRTEEN MILE ROAD.
3. The legal description of said property is as follows: (attach separately if necessary)
SEE SEPARATE SHEET.
4. The sidwell numbers for the property are: 44-25-11-377-015; 44-25-11-377-016; and 44-25-11-377-019
5. The owner of said property is:
Name: SOKOL AND ANGJELINA NDREJAJ
Street Address: 29022 STEPHENSON HIGHWAY
City, State, Zip: MADISON HEIGHTS, MI 48071
Phone: _____ Email: _____
6. The Applicant is:
Name: CITY OF MADISON HEIGHTS, MICHIGAN
Street Address: 300 W. THIRTEEN MILE ROAD
City, State, Zip: MADISON HEIGHTS, MI 48071
Phone: (248) 583-0829 Email: MELISSAMARSH@MADISON-HEIGHTS.ORG
7. The applicant is the:
☐ Owner ☐ Legal Representative ☐ Purchaser ☒ Other MUNICIPALITY
8. Description of proposed use: N/A
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.

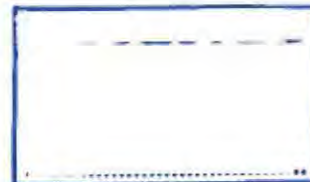
Signature of Owner: MUNICIPALITY-INITIATED REZONING

Signature of Applicant: Melissa Marsh

Date: 7-20-22

Notary's Signature: Amy L. Bessler
Notary's Print Name: AMY L. BESSLER
Notary Public, State of Michigan, County of: OAKLAND
My Commission Expires on: 9/27/28
Acting in the County of: OAKLAND

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. MUNICIPALITY-INITIATED REZONING





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

Item 3.

PARCEL 1

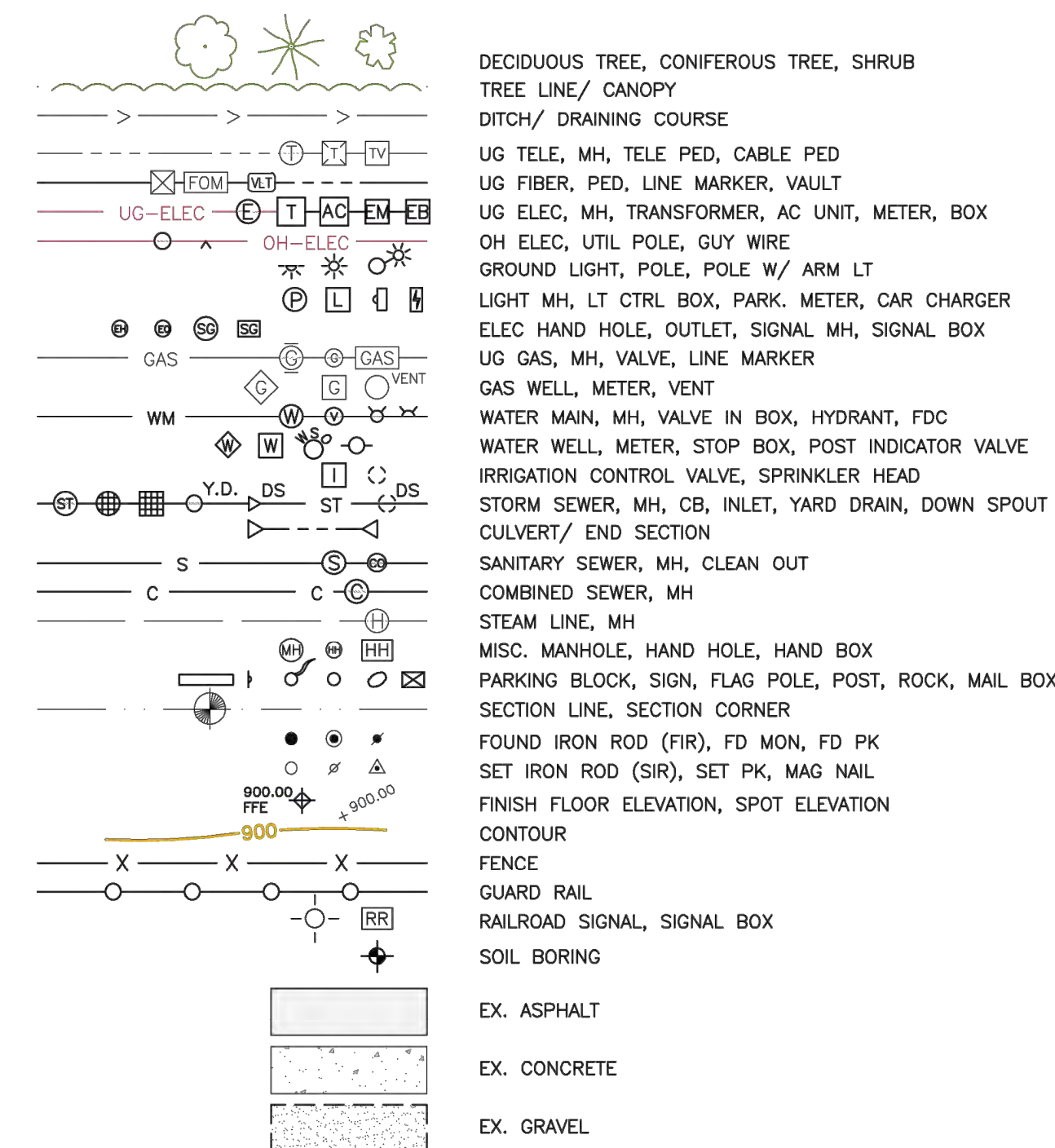
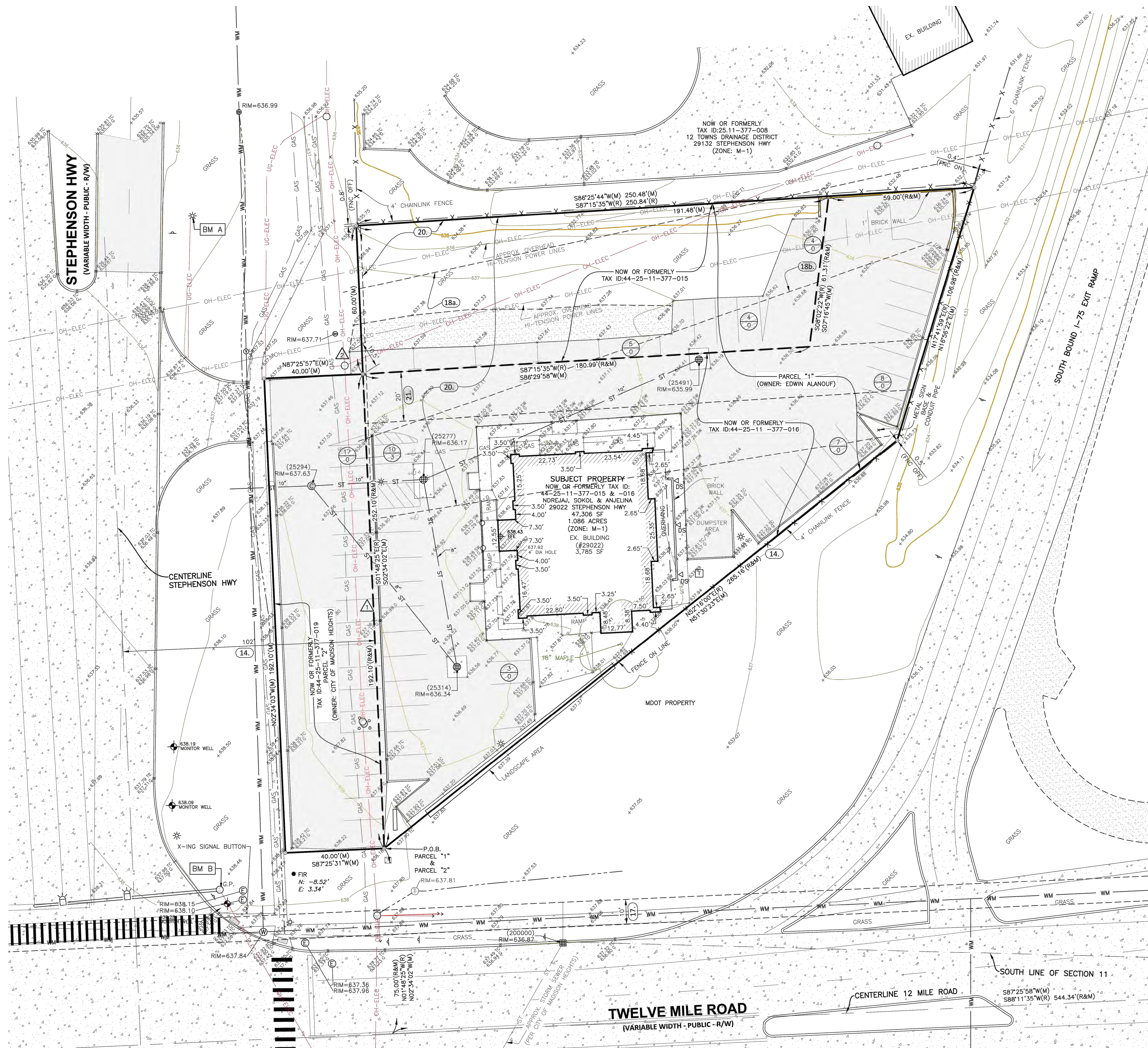
T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 267.10 FT FROM S 1/4 COR, TH N 01-48-25 W 60.00 FT, TH N 87-11-21 E 191.48 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT TO BEG 0.26 A
PIN 44-25-11-377-015. 29022 STEPHENSON HWY.

PARCEL 2

T1N, R11E, SEC 11 ELY 40 FT OF STEPHENSON HWY R/W ADJ TO THAT PART OF SW 1/4 DESC AS BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02
PIN 44-25-11-377-019. 29022 STEPHENSON HWY.

PARCEL 3

T1N, R11E, SEC 11 PART OF SW 1/4 BEG AT PT DIST S 88-11-35 W 544.34 FT & N 01-48-25 W 75.00 FT FROM S 1/4 COR, TH N 52-16-00 E 265.16 FT, TH N 17-41-59 E 106.98 FT, TH S 87-15-35 W 59.00 FT, TH S 08-02-22 W 61.31 FT, TH S 87-15-35 W 180.99 FT, TH S 01-4.
PIN 44-25-11-377-016. 29022 STEPHENSON HWY.



DATUM: NAVD88

BM A:
TOP OF SOUTHEAST ANCHOR BOLT OF LIGHT POLE, 324'± NORTH OF CENTERLINE TWELVE MILE ROAD & 48'± EAST OF CENTERLINE STEPHENSON HIGHWAY.
ELEV = 636.75

BM B:
TOP OF NORTHEAST ANCHOR BOLT OF LIGHT POLE, 54'± NORTH OF CENTERLINE TWELVE MILE ROAD & 51'± EAST OF CENTERLINE STEPHENSON HIGHWAY.
ELEV = 639.21

AT THE TIME OF THIS SURVEY, EVIDENCE WAS OBSERVED OF POTENTIAL ENCROACHMENTS. OTHER ENCROACHMENTS MAY OR MAY NOT STILL EXIST ON OR OFF THE SUBJECT PROPERTY.

THE FOLLOWING OBSERVATIONS WERE MADE AT THE TIME OF SURVEY:

- 1 PAVING AND PARKING FOR PARCEL "1" LIES ON TO PARCEL "2".
- 2 CORNER OF PARKING LOT LIES UP TO 10.5' OFF THE PARCEL.

EX. STORM SEWER		
STRUCTURE	RIM ELEV.	PIPES
(25277) CBR	636.17	10" W IE= 626.15 10" NE IE= 626.16 8" S IE= 630.29
(25294) COMH	637.63	10" W IE= 625.24 10" E IE= 625.26 8" SE IE= 625.88
(25314) CBR	636.34	NO PIPES OBSERVED SEDIMENT =633.14
(25491) CBR	635.99	10" SW IE= 631.71
(200000) CBS	636.87	NOT INVENTORIED AT TIME OF SURVEY

EX. STORM SEWER		
STRUCTURE	RIM ELEV.	PIPES
(25277) CBR	636.17	10" W IE= 626.15 10" NE IE= 626.16 8" S IE= 630.29
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(200000) CBS	636.87	NOT INVENTORIED AT TIME OF SURVEY

S 1/4 COR.
SEC. 11
T1N-R11E
J-05
(L.17933-P.78)

PART II - CODE OF ORDINANCES
 APPENDIX A - ZONING ORDINANCE
 ARTICLE XII. PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT

ARTICLE XII. PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT

Sec. 10.346. Findings, purpose and intent.

The Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, does not nullify a municipality's inherent authority to regulate land use under the Michigan Zoning Enabling Act (MZE), MCL 125.3101 et seq. as long as (1) the municipality does not prohibit or penalize the cultivation of medical marihuana and (2) the municipality does not impose regulations that are unreasonable and inconsistent with regulations established by state law. MCL 333.26424(b)(2) states that primary caregivers and qualifying patients must keep their plants in an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections in MCL 333.26424(a) and (b). Because an enclosed, locked facility may be found in various locations on various types of property, this ordinance, limiting where a primary caregiver can cultivate medical marihuana within the city, does not directly conflict with the MMMA's requirement that marihuana plants be kept in an enclosed, locked facility. The city finds that the average residence in the city is not aptly suited to the safe and favorable cultivation of 72 marihuana plants that a primary caregiver is permitted to grow under the MMMA. The city further finds that the cultivation of 72 marihuana plants by primary caregivers in residential districts creates potential hazards and potential adverse and detrimental effects on the neighboring properties that endanger the public health, safety and welfare. The purpose and intent of this ordinance is to identify suitable locations for primary caregivers to cultivate medical marihuana, in compliance with the MMMA and this article, to mitigate the potential adverse and detrimental effects on neighboring properties to protect the public health, safety and welfare.

(Ord. No. 2158 , § 1, 7-13-20)

Sec. 10.347. Definitions.

For the purpose of the provisions of this article, all words and phrases herein shall be construed to have the meanings as provided for in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended.

(Ord. No. 2158 , § 1, 7-13-20)

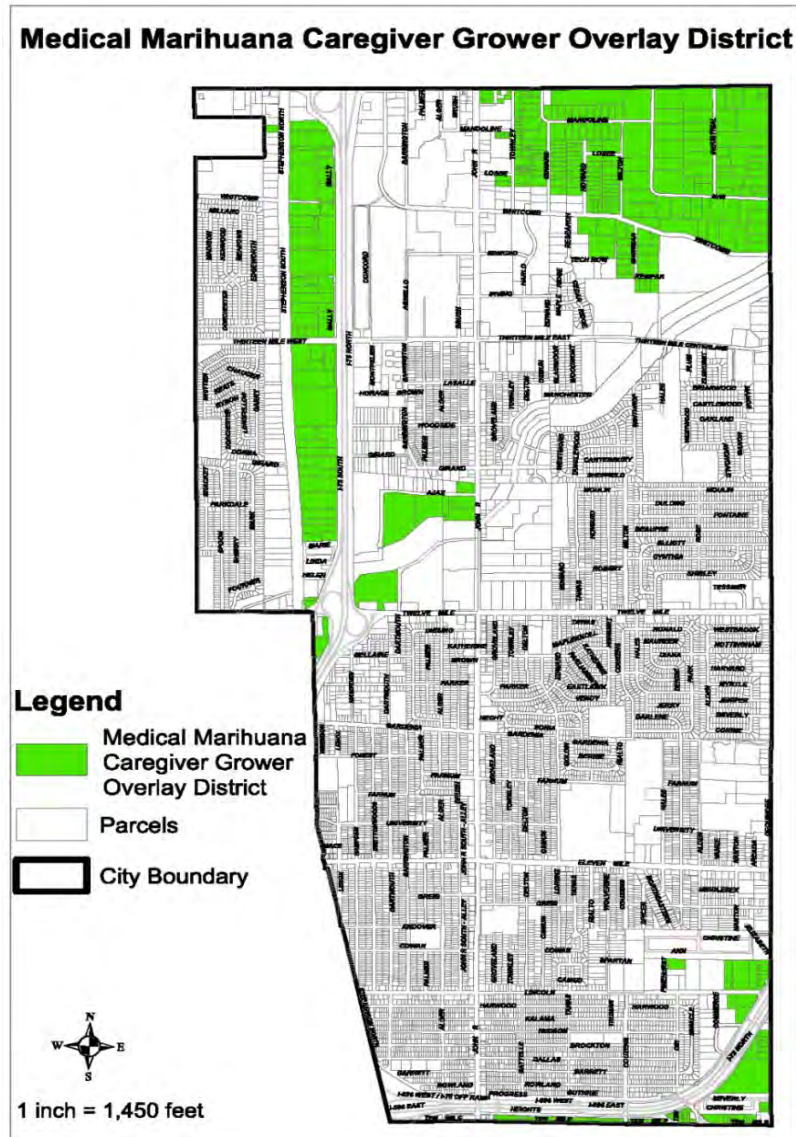
Sec. 10.348. No effect on patients.

This article does not apply to or regulate any qualifying MMMA patient activities or conduct that is in compliance with the MMMA. A qualifying patient, operating in compliance with the MMMA, shall be permitted to cultivate, at the patient's primary residence, who shall also be full-time resident of the dwelling, no more than the 12 allowed marihuana plants as permitted by the MMMA for the patient's personal use to treat their debilitating medical condition.

(Ord. No. 2158 , § 1, 7-13-20)

Sec. 10.349. Caregiver Marihuana Grow Overlay District.

The Caregiver Marihuana Grow Overlay District boundaries shall be the parcels indicated as established in the following overlay district map:



(Ord. No. 2158 , § 1, 7-13-20)

Sec. 10.350. Caregiver Marihuana Grow Overlay District requirements.

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

- (a) A registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.
- (b) The cultivation of medical marihuana by a caregiver shall comply at all times with the MMMA and the MMMA General Rules, as amended.
- (c) Not more than one registered primary caregiver shall be permitted to operate at any one parcel located with the Caregiver Marihuana Grow Overlay District.

- (d) The cultivation of medical marihuana by a primary caregiver shall be conducted entirely within an "enclosed, locked facility" (as that phrase is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA. The number of marihuana plants shall not exceed the number of marihuana plants permitted by the MMMA in total aggregate at any location or multiple locations whether located in the city or outside of the city.
- (e) No sign identifying the location by word, image or otherwise, or indicating that the cultivation of medical marihuana is taking place on the premises, shall be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- (f) Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the parcel where medical marihuana is cultivated. A qualifying patient shall not visit, come to, or be present at the parcel where medical marihuana is cultivated to purchase, smoke, consume, obtain or receive possession of any marihuana.
- (g) No on-site consumption or smoking of marihuana shall be permitted within the parcel (or on the property) where medical marihuana is cultivated, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- (h) Medical marihuana shall not be grown, processed, handled or possessed at the location where medical marihuana is cultivated beyond that which is permitted by law.
- (i) A certificate of occupancy, together with a required site plan review, shall be obtained from the city and all necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- (j) If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- (k) Related merchandise or products shall not be sold or distributed from the property.
- (l) There shall be no exterior storage or parking of materials or equipment.
- (m) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matters at any time.
- (n) The entire parcel and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official, fire official or law enforcement official during reasonable business hours.

(Ord. No. 2158 , § 1, 7-13-20)

Sec. 10.351. Principal uses permitted.

All principal uses permitted in the Underlying Zoning District(s) are permitted by right in the Overlay Districts, provided they comply with all applicable requirements of the Underlying Zoning District.

(Ord. No. 2158 , § 1, 7-13-20)

MEMO

TO: Madison Heights Planning Commission

FROM: Niccolas Grochowski, Assistant City Attorney

RE: Planning Commission Agenda Packet Comments Regarding Proposed
Zoning Ordinance Amendment for Caregiver Marihuana Grow Overlay
District

DATE: May 15, 2020

Discussion of Proposed Zoning Ordinance Amendment relating to the creation of a Caregiver Marihuana Grow Overlay District.

On April 27, 2020, the Michigan Supreme Court issued a decision in the case of *DeRuiter v Township of Byron*, (attached) and held that municipalities may lawfully establish locations where medical marihuana "caregivers" must be located in a municipality. Prior to this decision, the relevant case law in Michigan had been that a municipality could not regulate or dictate where medical marihuana caregivers could establish a grow operation within a municipality. Thus, prior to this recent Michigan Supreme Court decision, registered Michigan medical marihuana caregivers could essentially operate from any location they desired in any municipality in the state.

Because the Michigan Supreme Court has ruled that municipalities can place limitations on where a medical marihuana caregiver can cultivate marijuana within a municipality, we are presenting for your consideration a proposed zoning ordinance that restricts the locations of medical marihuana caregiver grows to the already established "green zones" in the City. The "green zone" map takes into consideration and is based on maintaining adequate separation distances of these areas from school buildings, churches, family child care homes, group child care homes and Residential Districts where residential units are located. This map is identical to the map approved by City Council for Medical Marihuana Facilities and is identical to the map that will be presented to City Council in defining where Adult-Use Marihuana Establishments can be located in the City.

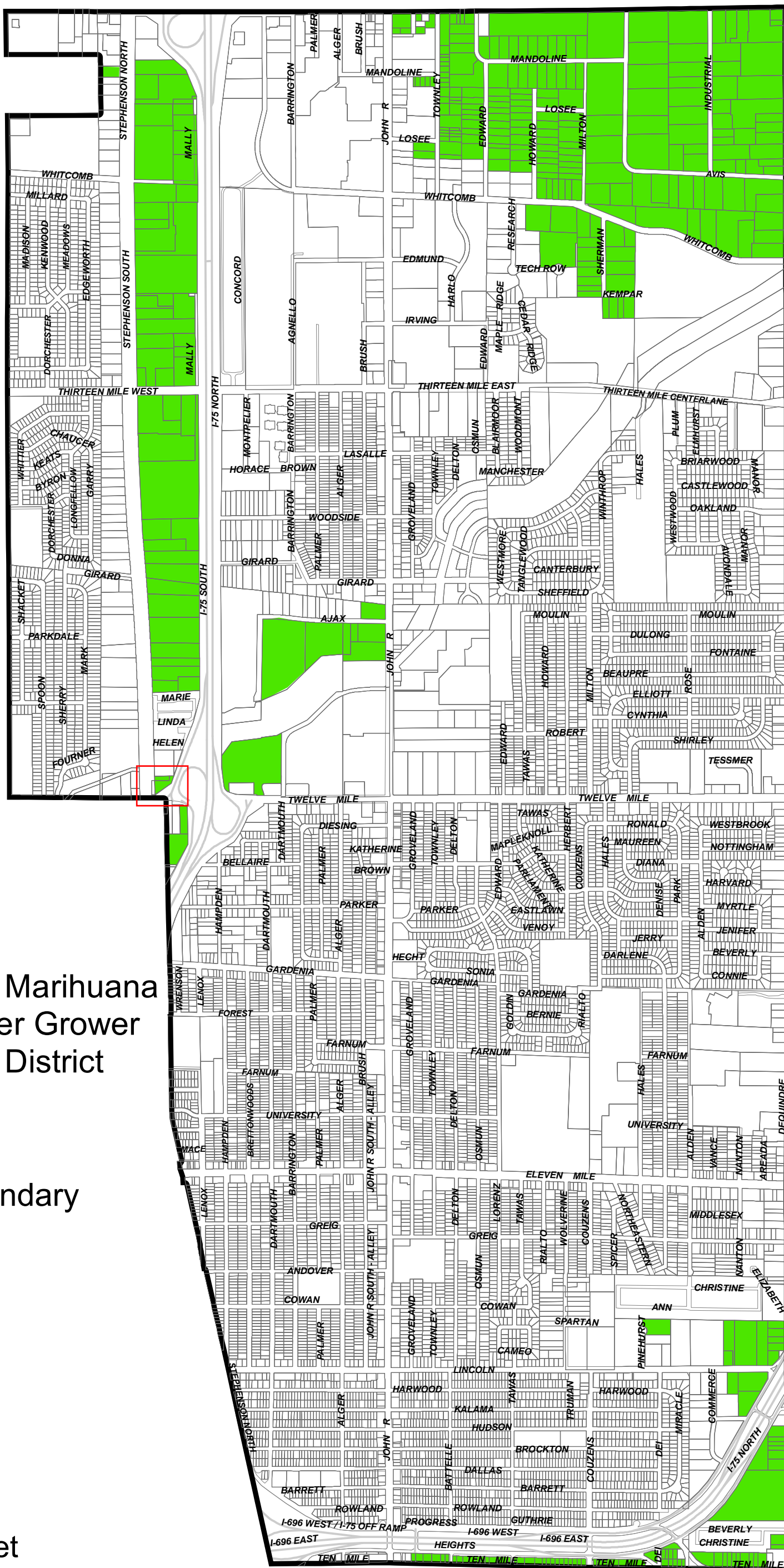
The proposed zoning ordinance amendment presented for your deliberation, utilizes a common planning tool of an "overlay district" to restrict the locations of where a medical marihuana caregiver can be located in the City. The overlay district is simply a map that overlays a current zoning district that imposes additional or different zoning regulations that are particular to that overlay. The underlying, or original, zoning provisions and uses are still applicable to each zoning district, with the addition of the overlay provisions. In this proposed zoning ordinance amendment, the overlay defines, parcel by parcel, the only locations that a caregiver can establish a medical marihuana grow operation in the

City. In addition, the proposed amendment adds several other conditions that must be adhered to by caregivers if they locate to one of the approved parcels. These conditions are consistent with and complement the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, MCL 333.26421, et. seq., as amended, and are thus permissible conditions pursuant to the decision in *DeRuiter v Township of Byron*.

Following initial discussion of the proposed *zoning* ordinance amendment, the next step would be for the Planning Commission to schedule a Public Hearing. The Public Hearing will be at a Special Meeting set by the Planning Commission and would be scheduled for Tuesday, June 16, 2020 at 5:30 via ZOOM video conference. To set a Special Meeting to conduct the required Public Hearing on the proposed *zoning* ordinance amendment, State Law and the Planning Commission By-Laws both provide that a Special Meeting of the Planning Commission may be called by the Chairperson or two (2) or more commission members. In addition, because the Public Hearing requires 15 day's notice, under the law, a Special Meeting could take place no sooner than June 12, 2020. Thus, a motion by the Planning Commission to set the public hearing on Tuesday, June 16, 2020 at 5:30 via ZOOM video conference would be appropriate to provide sufficient time for the required notice.

Pursuant to State Law, City Ordinance and Charter, the Planning commission makes a recommendation to the City Council regarding any *zoning* ordinance amendment and ultimately, City Council then determines whether or not to adopt the proposed *zoning* ordinance. Thus, once the Planning Commission holds the public hearing on the proposed *zoning* ordinance amendment, the Planning Commission would then vote on a motion containing a recommendation to City Council on the adoption of the proposed amendments.

Medical Marijuana Caregiver Grower Overlay District

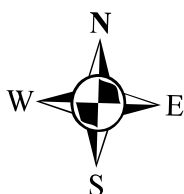


Legend

Medical Marijuana Caregiver Grower Overlay District

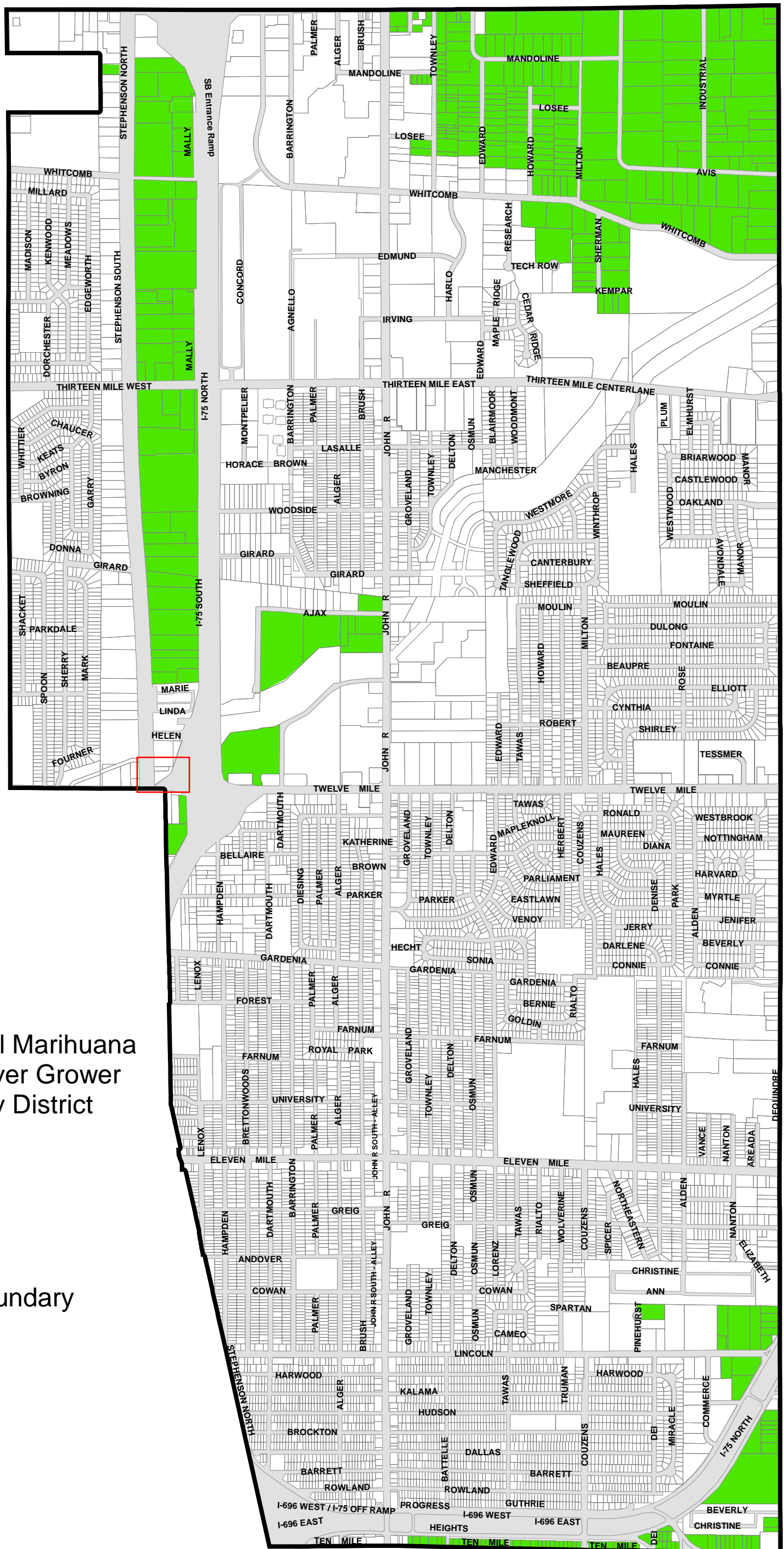
Parcels

City Boundary



1 inch = 1,450 feet


PROPOSED AMENDMENT PRZN- 22-03 DRAFT



Allowed Parcels For Medical Marihuana

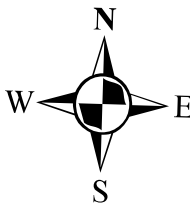
Updated For Rezoning Approved 7/11/22

Legend

 Allowed parcels
Medical Marihuana

 Parcel

 City Boundary



1 inch = 1,450 feet





CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

August 16, 2022
 Fire Station #1 – Training Room
 31313 Brush Street, Madison Heights, MI 48071

1. CALL TO ORDER

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

2. ROLL CALL

Present: Chairperson Josh Champagne
 Mayor Pro Tem Mark Bliss
 Mayor Roslyn Grafstein
 City Manager Melissa Marsh
 Member Melissa Kalnasy

Absent: Member Eric Graettinger
 Member Cliff Oglesby
 Member Grant Sylvester

Member Melissa Kalnasy

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

3. EXCUSE ABSENT MEMBERS

Motion by Commissioner Bliss, supported by Commissioner Marsh to excuse Commissioner Graettinger.

Nays: None

Absent: Graettinger, Oglesby, Sylvester

Motion carries unanimously.

4. CHANGES TO THE AGENDA

Motion by Commissioner Bliss, supported by Commissioner Kalnasy to add the election of Vice Chair to New Business.

Nays: None

Absent: Graettinger, Oglesby, Sylvester

Motion carries unanimously.

5. APPROVAL OF MINUTES

Motion by Commissioner Marsh, supported by Commissioner Conn, to approve the minutes of the regular Planning Commission meeting of June 21, 2022.

Nays: None

Absent: Graettinger, Oglesby, Sylvester

Motion carries unanimously.

6. PUBLIC HEARING - Rezoning PRZN 22-03: 29022 Stephenson Highway (Caregiver Marihuana Overlay District)

Planner Lonnerstater provided an overview of the city-initiated rezoning: At the meeting on May 17th, the Planning Commission voted to recommend that City Council approve the rezoning of three parcels of land at 29022 Stephenson Hwy from M-1, Light Industrial, to B-3, General Business. On top of that B-3 zoning, we also have a caregiver overlay district. The caregiver overlay district which was created a few years ago, allows for the establishment of one marihuana caregiver per parcel anywhere within the “green zone.” When this map was created it was based on the previous marihuana ordinances which are the adult use and medical marihuana ordinances.

When the City created the Caregiver ordinance, the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map. The Overlay District map is technically a standalone map with separate zoning regulations. Thus, the Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, “a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District.”

In this specific case, City Council recently rezoned the subject parcels from the M-1 to B-3. By rezoning the parcels to B-3, City Council effectively removed the properties from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances. However, the subject parcels still technically remain in the standalone Caregiver Overlay District. City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in order to reflect their new underlying B-3 zoning district.

The members engaged in some discussion. There is currently no caregiver at that parcel. If this is approved and then approved by Council, a Caregiver will no longer have the ability to occupy this parcel as it will be removed from the Caregiver Overlay District. The owner was notified of this rezoning.

Rather than doing this one parcel at a time, the permanent solution would be to add language to the Caregiver ordinance that says property must be M-1 or M-2 as well as be located in the “green zone.” The uses need to align with the zoning district and the adjacent land uses.

Planner Lonnerstater will discuss a text amendment with Staff and ensure a public notice is issued 15 days prior.

Chair Champagne opened the public hearing at 5:57 p.m. to hear comments on PRZN 22-03. Seeing there were no comments, Chair Champagne closed the public hearing at 5:58 p.m.

Motion by Marsh, seconded by Grafstein to recommend that City Council remove three parcels of land at 29022 Stephenson Highway, from the caregiver overlay district for the reasons as reflected in the Staff report and as represented in the map in the staff report entitled “Proposed amendment PRZN- 22-03 draft.”

Ayes: Bliss, Grafstein, Kalnasy, Marsh, Champagne

Nays: None

Absent: Graettinger, Oglesby, Sylvester

Motion carries unanimously.

MATTERS FOR CONSIDERATION

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

Chair Champagne opened the public comment period at 5:59 p.m. to receive comments for items not on the agenda. Seeing no public comments, the period was closed at 5:59 p.m.

8. MEMBER UPDATES

There were no member updates.

9. PLANNER UPDATES

City Planner Lonnerstater announced there is a joint meeting/community workshop next Wednesday of the DDA, Planning Commission, ZBA, and City Council at 5:30 pm. This will be the first of two workshops focusing on future improvements in the City. The workshop will be held in the Fire Station Training Room. The commission Chairs will each open their meetings if they have a quorum.

10. ADDITIONS TO THE AGENDA (APPOINTMENT OF VICE CHAIR)

Motion by Grafstein, seconded by Marsh to appoint Eric Graettinger to the Vice Chair position contingent upon his acceptance. The Clerk's office will notify him of this appointment.

Ayes: Bliss, Grafstein, Kalnasy, Marsh, Champagne

Nays: None

Absent: Graettinger, Oglesby, Sylvester

Motion carries unanimously.

11. ADJOURNMENT OF MEETING

Meeting adjourned by Chair Champagne at 6:35 p.m.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10/22

PREPARED BY: Greg Lelito

AGENDA ITEM CONTENT: Fire Prevention Week Proclamation

AGENDA ITEM SECTION: Presentations

BUDGETED AMOUNT:

FUNDS REQUESTED:

FUND:

EXECUTIVE SUMMARY:

RECOMMENDATION:

**City of Madison Heights
2022 Fire Prevention Week Proclamation**

WHEREAS, the City of Madison Heights is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, home fires caused 2,580 civilian deaths in the United States in 2020, according to the National Fire Protection Association, and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of a fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the City of Madison Heights residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, the City of Madison Heights first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2022 Fire Prevention Week theme, "Fire won't wait. Plan your escape," effectively reminds residents of the importance of having a home fire escape plan.

NOW, THEREFORE, BE IT RESOLVED, that the City does hereby proclaim October 9-15, 2022, as Fire Prevention Week throughout the City, and I urge all residents to plan and practice a home fire escape.

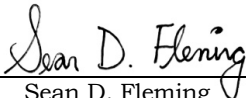
BE IT FURTHER RESOLVED, that all residents are encouraged to participate in the many fire safety activities held during the Fire Department's Open House on Saturday, October 15, 2022, from 10 am to 2 pm.




Roslyn Grafstein
Mayor



Toya D. Aaron
Councilwoman



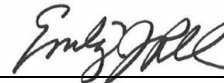
Sean D. Fleming
Councilman



David M. Soltis
Councilor



Mark A. Bliss
Mayor Pro Tem



Emily J. Rohrbach
Councilor



Quinn J. Wright
Councilor

City Council Regular Meeting
Madison Heights, Michigan
September 26, 2022

A City Council Regular Meeting was held on Monday, September 26, 2022 at 7:30 PM at Fire Station 1 Training Room - 31313 Brush Street

PRESENT

Councilwoman Toya Aaron
Mayor Pro Tem Mark Bliss
Councilor Emily Rohrbach
Councilman David Soltis

ABSENT

Mayor Roslyn Grafstein
Councilman Sean Fleming
Councilor Quinn Wright

OTHERS PRESENT

City Manager Melissa Marsh
Assistant City Attorney Tim Burns
City Clerk Cheryl Rottmann

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

CM-22-278. Excuse Councilmembers.

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

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

CM-22-279. Excuse Councilmember.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to excuse Councilor Wright from tonight's meeting.

Discussion followed on what should be considered an excused absence.

Voting Yea: Councilor Rohrbach, Councilman Soltis
Voting Nay: Mayor Pro Tem Bliss, Councilwoman Aaron
Motion failed 2-2.

MEETING OPEN TO THE PUBLIC:

No one was present wishing to speak.

CONSENT AGENDA:

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron to remove Item #2, Proclamation of October 2022 as Michigan Library Appreciation Month from the Consent Agenda and approve the amended Consent Agenda.

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

CM-22-280. Kelly Ording - Resignation from the Historical Commission.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron to accept the resignation from Kelly Ording from the Historical Commission and declare her seat vacant.

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

CM-22-281. City Council Regular Meeting Minutes of 09-12-22.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron to approve the City Council Regular Meeting Minutes of September 12, 2022, as printed.

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

CM-22-282. Government Finance Officer's Association Budget Award FY 2022-23.

On behalf of City Council, Mayor Pro Tem Bliss presented the Distinguished Budget Award to Finance Director Linda Kunath.

CM-22-283. Proclamation Declaring October 2022 as Michigan Library Appreciation Month.

On behalf of City Council, Mayor Pro Tem Bliss presented Library Director Vanessa Verdun-Morris with the Proclamation declaring October 2022 as Michigan Library Appreciation Month in Madison Heights.

CM-22-284. Scheduled Replacement of Loader #409.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron to approve the purchase of one Volvo L-70H Front-End Loader, with identified options from Alta Equipment of New Hudson, Michigan, through the Sourcewell Cooperative Purchasing Contract #032119-VCE for a total equipped cost of \$241,851.

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

Motion carried.

CM-22-285. Phased Replacement of DPS Concrete.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron to award the 2022 DPS Concrete Replacement Project to Cipparrone Contracting, at their established unit prices, in an amount not to exceed \$95,000.

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

Motion carried.

COUNCIL COMMENTS:

Councilwoman Aaron wished a Happy Rosh Hashana to our Jewish community. May your New Year be wonderful. She expressed thanks for all of the birthday wishes she received. She stated that the fundraiser for the Trail Tunes was a really nice event.

Assistant City Attorney Burns had no comments this evening.

City Manager Marsh had no comments this evening.

City Clerk Rottmann noted that absentee ballots are being prepared to be mailed by the end of the week. Please contact the Clerk's office if you are interested in obtaining an absentee ballot. Applications are available on the City's website, by mail, or in-person.

Councilor Rohrbach wished all shanah tovah and Happy New Year, may it be sweet. She thanked the Friends of the Library for their work on their fundraising event. She stated that she is excited for the Library renovations. She expressed congratulations to the Womens' Club on their 45th Anniversary, noting that they do so much work on behalf of our residents and groups in our community. Thank you to the members for your years of service.

Councilman Soltis please check out the NASA DART rocket into an asteroid in the world's first full-scale mission to test technology for defending Earth against potential asteroid or comet hazards. He stated that he is teaching and on the federal level, they are thinking about banning cell phones.

Mayor Pro Tem Bliss wished a Happy Rosh Hashana to all of our colleagues celebrating tonight and who couldn't be here with us tonight. He shared that he is using the old Jaycee gavel and the

history behind it. He noted that the Trail Tunes Off the Trail raised more than a \$1,000 for the event. There were Trail Tune musicians playing, baskets for raffles, and a prize of a Motown Museum Tour. He stated that he appreciates Council's support for the event. Trail Tunes is this Sunday, there are a dozen musicians returning and I encourage you all to come out on Sunday from 2 p.m. to 6 p.m. They will also be selling t-shirts to support the event so be sure to pick one up. He noted that he left his wife's birthday celebration to attend this meeting and he wished his wife Ally Bliss a Happy Birthday.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:58 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk

CITY OF MADISON HEIGHTS ELECTRONIC COUNCIL AGENDA REQUEST FORM			
SUBMITTED TO:	Melissa R. Marsh, City Manager		
SUBMITTED BY:	Amy J. Mischak, HR Director/Purchasing Coord	DATE:	September 20, 2022
FOR CONSIDERATION AT THE COUNCIL MEETING OF:		October 10, 2022	
ACTION REQUESTED			
PRESENTATION	<input type="checkbox"/>	FUTURE PUBLIC HEARING	<input type="checkbox"/>
PUBLIC HEARING – SPECIAL APPROVAL	<input type="checkbox"/>	BID AWARDS/PURCHASES	<input type="checkbox"/>
PUBLIC HEARING – OTHER	<input type="checkbox"/>	ORDINANCE – FIRST	<input type="checkbox"/>
COMMUNICATION	<input type="checkbox"/>	ORDINANCE – SECOND	<input type="checkbox"/>
REPORT	x	OLD BUSINESS	<input type="checkbox"/>
DESCRIPTION OF ITEM			
Resolution to Opt Out of PA 152			
IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS			
POLICY CONSIDERATION			
Public Act 152, as amended, limits the amount that public employers pay toward employee medical benefit plans, beginning January 1, 2012. City Council is required to make an election for its choice of compliance for the subsequent calendar year. Given that all of the City's Collective Bargaining Agreements approved by City Council provide for 10% employee premium sharing, Council is requested to opt-out of PA 152 as allowable under that statute.			
Financial Impact	<input type="checkbox"/>	Fee Waiver Proposed	<input type="checkbox"/>
Budgeted Fund Name(s)	Click or tap here to enter text.	Department Name	Click or tap here to enter text.
Appropriated in Acct.	Click or tap here to enter text.	Budget Amount	Click or tap here to enter text.
Amount Available in Acct.	Click or tap here to enter text.		
Second Account Number	Click or tap here to enter text.	Budget Amount	Click or tap here to enter text.
Amount Available in 2 nd Acct.	Click or tap here to enter text.	Revenue Generated	Click or tap here to enter text.
Other Comments	Click or tap here to enter text.		
REVIEW CHECKLIST			

DEPARTMENT	Amy J Mischak, HR Director/Purchasing Coord	DATE	09/20/22
DEPARTMENT	Click or tap here to enter text.	DATE	Click or tap to enter a date.
CITY MANAGER	Click or tap here to enter text.	DATE	Click or tap to enter a date.
See P:/SHARED/COUNCIL AGENDA/FORMS Rev. January 2004		ITEM #	

RESOLUTION TO OPT OUT OF PA 152

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

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

WHEREAS, those three options are as follows:

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

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

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights City Council elects to comply with the requirements of the Publicly Funded Health Insurance Contribution Act by opting out of the cost-sharing model as set forth in PA 152.

Yeas: _____

Nays: _____

CERTIFICATION: I hereby certify that the foregoing is a true and complete resolution adopted by the City Council for the City of Madison Heights at a regular meeting held this _____ day of _____ 2022.

Cheryl E. Printz
City Clerk



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 10, 2022

PREPARED BY: Corey K. Haines, Chief of Police

AGENDA ITEM CONTENT: Animal Shelter Operations

AGENDA ITEM SECTION: Reports

BUDGETED AMOUNT: 0

FUNDS REQUESTED: 0

FUND:

EXECUTIVE SUMMARY:

After much research staff has determined that using the services from the Oakland County Animal Control that are already paid for via taxes would assist our Animal Control Officer greatly with his daily duties and would prevent us from paying additional fees to the County for animal related issues.

RECOMMENDATION:

Approve the use of the Oakland Country Animal Control and Shelter for the City of Madison Heights.

Date: September 22, 2022
To: Melissa R. Marsh, City Manager
From: Corey K. Haines, Chief of Police
Subject: Animal Shelter Operations

As part of the 2021, strategic planning goals, City Council adopted goal 1.3 to Enhance Animal Control and Shelter Operations which included looking at shared animal control services to enhance shelter operations. Following this past goal, staff regularly evaluates opportunities and has recently reviewed the pros and cons of partnering with Oakland County Animal Control for some of our animal control services. Earlier this month Oakland County released their fee schedule for non-partner communities and asked to again discuss partnering on these services. Therefore, I had a meeting with staff at the Oakland County Animal Shelter as well as multiple meetings with Animal Control Officer (ACO) Justin Holland. Per this memo, staff and I are recommending that the city partner with Oakland County Animal Control to supplement and enhance our city services.

Under this partnership, Oakland County will provide the City of Madison Heights with one (1) full-time Animal Control Officer that would patrol the city between the hours of 8:00 a.m.-4:30 p.m., Monday-Friday. In addition, Oakland County would be responsible for all costs associated with dogs picked up by the Oakland County ACO and transferred to Oakland County. Oakland County Animal Control does not respond to barking dogs, wildlife, chicken complaints, road kill or complaints involving cats (unless there is abuse or hoarding complaints.) Therefore, I am recommending that we maintain our full-time Animal Control Officer. These services would be provided at no cost to the City since taxpayers in Oakland County, including Madison Heights, subsidize the Oakland County Animal Shelter and Animal Control through Oakland County taxes and Oakland County would be responsible for collection of animal licenses and fess.

ACO Holland would remain a full-time Animal Control Officer in the City as there are plenty of complaints and investigations that will still need to be covered. ACO Holland would respond to any complaint of too many animals, barking dogs, wildlife complaints, road kill, chicken complaints, and any other complaints either not handled by Oakland County or to assist Oakland County.

Oakland County would handle the majority of domestic animal complaints during the day and would transport, at no cost to our City, all stray or found animals to the Oakland County Animal Shelter. The Oakland County Animal Shelter has a full adoption services program and would handle all adoptions of animals, which is preferred. Only extremely sick/severely injured/dying animals, animals deemed by the Court to be dangerous, or animals deemed by Oakland County Animal Control to be unadoptable would be euthanized. Oakland County's preferred method for

all animals is to be returned to their owners or to be adopted into their forever homes. For feral cats only, Oakland County has a Trap/Neuter/Replace policy. Oakland County would pay the costs to have feral cats trapped, neutered/spayed, and then replaced in the area where they are located. This satisfies multiple purposes. Over time the cats will no longer be able to have new litters of kittens, the cats that are released won't be replaced by other cats moving into their area as quickly, and the cats do have a positive effect on the rodent population.

The City of Madison Heights would continue with shelter operations, with staffing, to house cats when necessary and to house dogs that are picked up by our Police Officers after hours. Those dogs and cats would be turned over to Oakland County Animal Control during normal business hours for transport to the County Shelter.

Oakland County would handle dangerous dog situations by supplying the victims with instructions on how to file a dangerous dog case with the court. In severe situations, Oakland County would take control of the dog and transport to the shelter. The City would also have the option to begin a civil case against the owner of the alleged dangerous dog, as we continue to do at this time. The County only uses the court system with serious injuries to humans as they don't have the resources to prosecute animal on animal attacks. The City would continue to handle that but only in necessary situations.

The City would no longer sell dog licenses as residents would be required to obtain a Oakland County Dog licenses only. This service is available online and Oakland County would also conduct a survey throughout the city to determine potential dog owners and advise them on the necessity of licensing. This survey is required by State Law. Further, staff would recommend the discontinuing of issuing cat and/or chicken licenses as there are so few of these animals licensed in the city it has proven to be more work for the clerk's office than is necessary. For the last fiscal year, the city only issued licenses for twenty (20) hens and seven (7) cats. Therefore the \$965 annual cost of maintaining the software to issue these 27 licenses far outweighs the benefits.

Residents would be required to purchase their dog licenses through Oakland County beginning November 1, 2022. The fees are higher through Oakland County as shown in the table below. Residents can purchase their dog and cat licenses online for a very small fee so that residents are not forced to go out to Oakland County offices to renew their pet licenses. Further, Oakland County will honor all currently licensed dogs in the city until the city licenses expire. The City currently collects approximately \$7,500 for the sale of pet licenses however for the first three months of the fiscal year we have also spent just over \$6,000 paying Oakland County to house animals that we do not have room to house. This expense would be eliminated in this partnership agreement resulting in an overall financial benefit to the City.

Oakland County License	Spayed/Neutered	Male/Female	Madison Heights License	Spayed/Neutered	Male/Female
1-year (Dec 1-May 31)	\$15	\$25	1-year	\$7	\$10
3-year (Dec 1- May 31)	\$40	\$70	3-year	\$15	\$20
1-year (June 1 – Nov 30) late	\$40	\$40	1-year late	\$12	\$15
3-year (June 1 – Nov 30) late	\$55	\$85	3-year late	\$20	\$25
1-year senior	\$14	\$23			
3-year senior	\$37	\$64			
3-year senior delinquent	\$52	\$79			

ACO Holland would maintain his regular duties with the shelter and respond to animal complaints as necessary. ACO Holland would also be cross trained in Code Enforcement to assist with enforcement as time permits.

The recommendation of staff is to partner with Oakland County Animal Control beginning November 1, 2022, our ACO Holland will continue to handle those calls not addressed by Oakland County and assist with Code Enforcement as time permits.

Respectfully,



Corey K. Haines



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10

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

AGENDA ITEM CONTENT: DPS - Civic Center Playscape Grant

AGENDA ITEM SECTION: Bid Awards/Purchases

BUDGETED AMOUNT: \$225,000

FUNDS REQUESTED: \$174,789.92

FUND: 101-752-987-0000

EXECUTIVE SUMMARY:

The 2022-23 Budget includes funding for the replacement of the aged play structure at Civic Center Park. This structure was installed in FY 2000/2021 and has reached the end of its useful life.

The City was awarded the 2022 GameTime Matching Funds Grant, providing a total savings of \$70,793 for the proposed Civic Center Park playscape.

RECOMMENDATION:

Staff recommends that Council consider two motions.

- To accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.
- To award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92 Funds are budgeted and available.

MEMORANDUM

Item 8.

DATE: October 4, 2022

TO: Melissa R. Marsh, City Manager

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

SUBJECT: Bid Award – Civic Center Playscape Grant

The 2022-23 Budget includes funding for the replacement of the aged play structure at Civic Center Park. This structure was installed in FY 2000/2001 and has reached the end of its useful life. DPS Staff is already planning its removal within the next month due to its degraded condition and lack of availability of parts. Despite aggressive ongoing maintenance and repairs, the structure has reached the point where it is becoming unsafe, and warrants removal from service.

Around this time last year, the City was awarded the 2021 GameTime Matching Funds grant for the Rosie's Park playscape, which resulted in a savings of \$64,842. This grant is a direct match on the price of the playscape itself, not including installation or other ancillaries. Upon the success of this grant, and the quality installation provided by Sinclair Recreation, the regional GameTime vendor, Adam Owczarzak and I applied for the 2022 Matching Funds grant for the Civic Center Park playscape. It is our pleasure to report that we were awarded this grant, providing a total savings of \$70,793 for the proposed Civic Center Park playscape. This is a dynamic and exciting custom ramped structure which meets ADA and UA standards, providing fun for children of all abilities.

The proposal for this GameTime structure through Sinclair Recreation is based on cooperative pricing through the Omnia Partners purchasing consortium. Staff therefore recommends that Council consider two motions.

- To accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.
- To award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92 Funds are budgeted and available.

Department of Public Services

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

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



Rendered in Jovial Palette

City of Madison Heights
Civic Center Park

Item 8.



Rendered in Jovial Palette



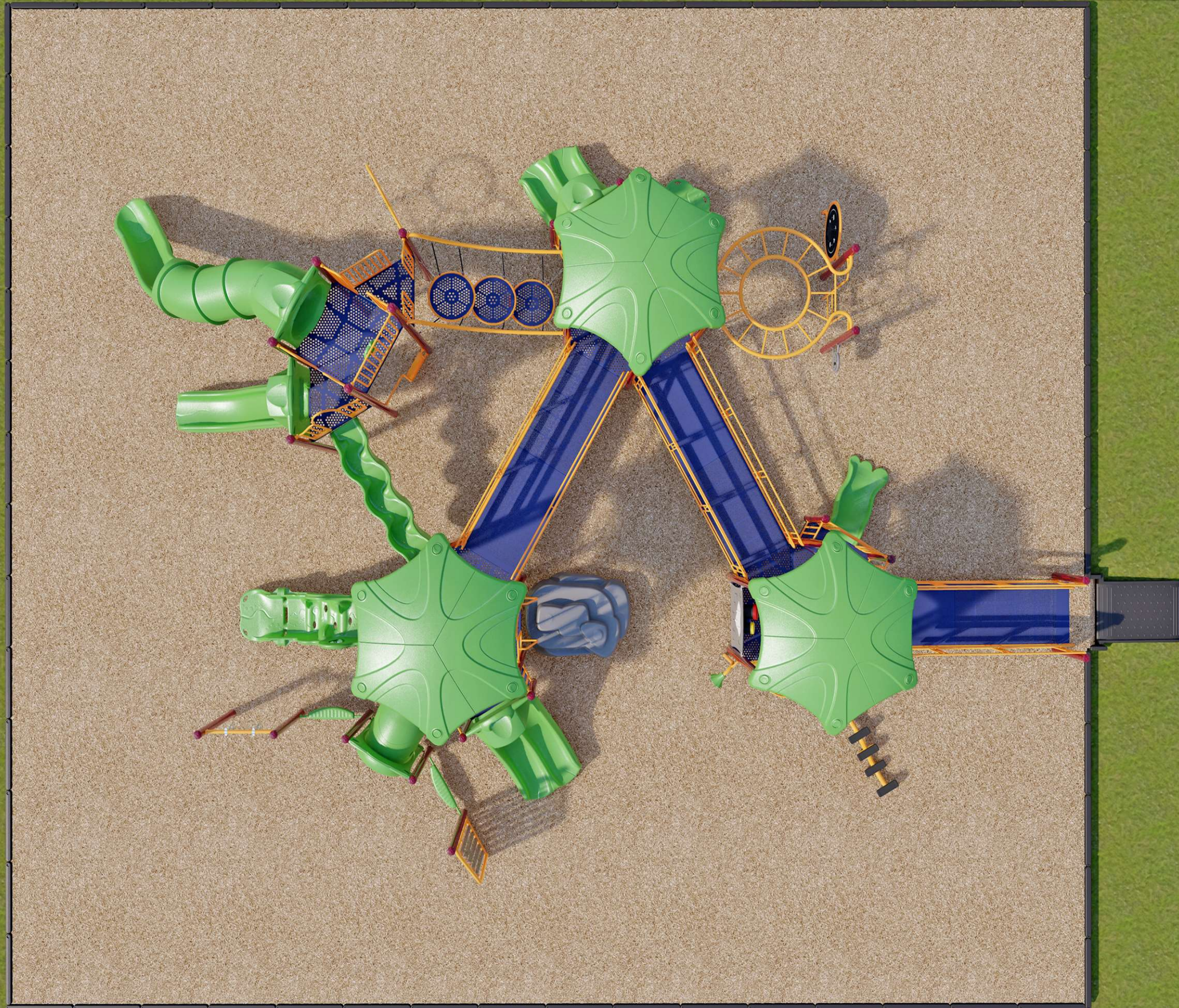
City of Madison Heights
Civic Center Park



Rendered in Jovial Palette

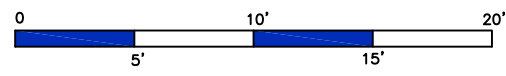
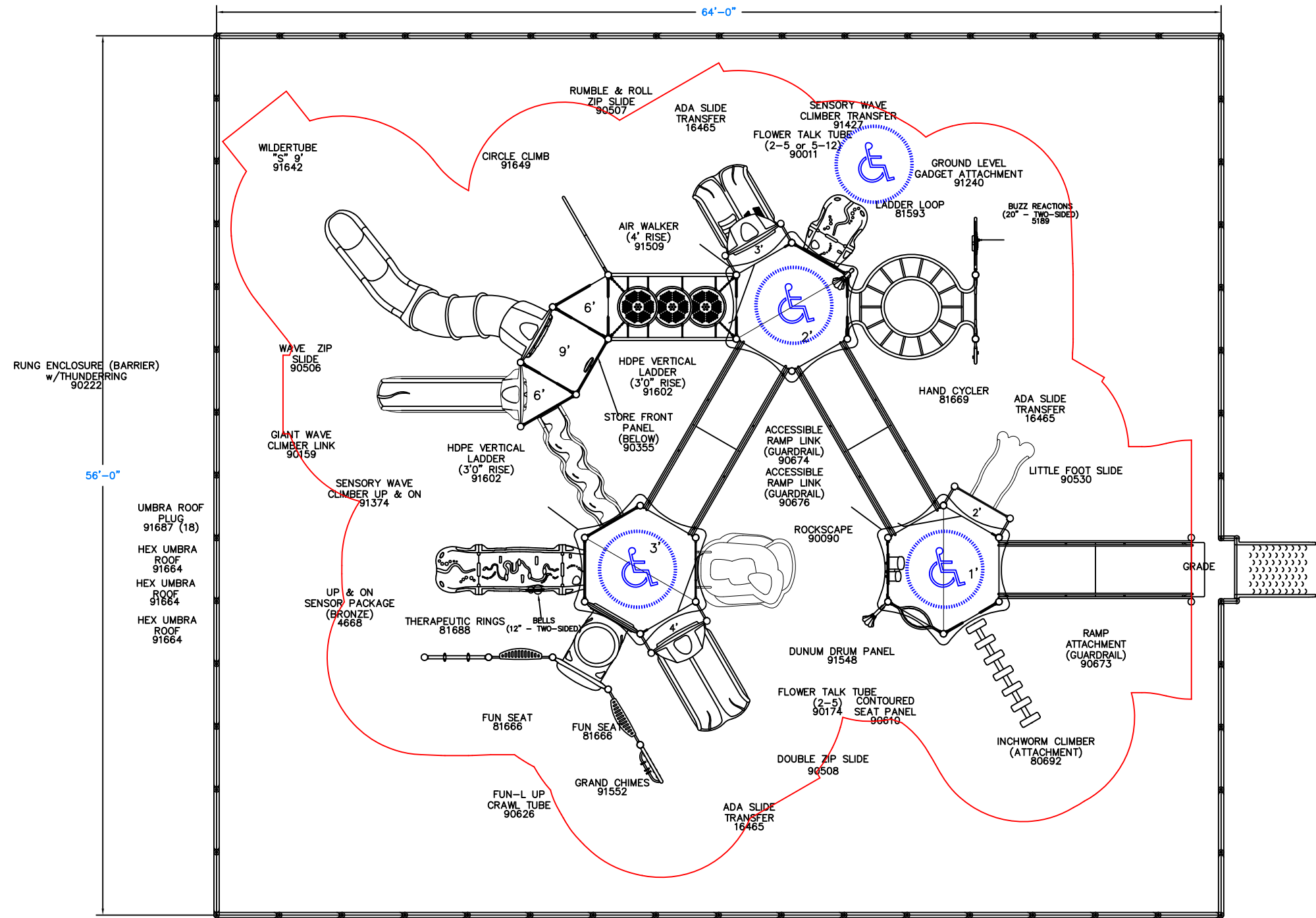


City of Madison Heights Civic Center Park



Rendered in Jovial Palette

City of Madison Heights Civic Center Park



150 PlayCore Drive SE
Fort Payne, AL 35967
www.gametime.com

City of Madison Heights
Civic Center Park
Madison Heights, MI
Representative
Sinclair Recreation

This Unit includes play events and routes or travel specifically designed for special needs users. It is the opinion of the manufacturer that these play events and routes of travel conform to the accessibility requirements of the ADA (Americans with Disabilities Act)

Total Elevated Play Components	20
Total Elevated Play Components Accessible By Ramp	14 Required 5
Total Elevated Components Accessible By Transfer	16 Required 10
Total Accessible Ground Level Components Shown	8 Required 7
Total Different Types Of Ground Level Components	6 Required 4

This play equipment is recommended for children ages
5 - 12

Minimum Area Required:
64' x 56'
Scale: Bar
This drawing can be scaled only when in an 18" x 24" format

IMPORTANT: Soft resilient surfacing should be placed in the use zones of all equipment, as specified for each type of equipment, and at depths to meet the critical fall heights as specified by the U.S. consumer Product Safety Commission, ASTM standard F 1487 and Canadian Standard CAN/CSA-Z-614

Drawn By:
ALW
Date:
9-29-2022
Drawing Name:
Madison Heights - Civic Center Park



GameTime c/o Sinclair Recreation
176 E Lakewood Blvd
Holland, MI 49424
Ph: 800-444-4954
Fax: 616-392-8634

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2022 Grant Proposal - Civic Center Park - Grant CHECK WITH

City of Madison Heights
Attn: Adam Owczarzak
300 West 13 Mile Road
Madison Heights, MI 48071
Phone: 248-583-0829
AdamOwczarzak@madison-heights.org

Ship to Zip 48071

Quantity	Part #	Description	Unit Price	Amount
3590	EWf	GT-Impax - 12" Compacted depth engineered wood fiber surfacing, blown in	\$2.50	\$8,975.00
1	INSTALL	GT-Impax - Installation of GameTime Ramped structure and curbs above grade.- Price does not include site preparation, excavation, removal or disposal of existing equipment or surfacing, or prevailing wages. Pricing includes installation of structure and curbs above grade with restoration of areas disturbed by construction. We will make every effort to meet any installation dates or deadlines but cannot give any guarantees to installation timelines.	\$65,000.00	\$65,000.00
59	4862	GameTime - 12" Playground Border	\$62.00	\$3,658.00
2	161290	GameTime - Geo-Textile 2250 Sqft Roll	\$975.00	\$1,950.00
1	RDU	GameTime - Custom Ramped Structure for 5-12 Year Olds	\$139,594.00	\$139,594.00
		(1) 4668 -- Up & On Bronze Sensor Package		
		(3) 16465 -- Slide Transfer (Ada)		
		(2) 80001 -- 49"Tri Punched Steel Deck		
		(3) 80687 -- Handhold/Kick Plate Pkg		
		(1) 80692 -- Inchworm Climber Attach		
		(1) 81593 -- Ladder Loop Link		
		(2) 81666 -- Fun Seat		
		(1) 81669 -- Hand Cycler		
		(1) 81688 -- Therapeutic Rings Attch		
		(3) 90005 -- Two Piece Hex Deck, Ada Ramp Access		
		(1) 90011 -- Flower Talk Tube 0'6" - 2'0" (2 - 12		
		(1) 90090 -- 3' Rockscape Climber		
		(1) 90159 -- 3'-6"/6' Giant Wave Climber Link		
		(1) 90174 -- Flower Talk Tube Gr Lvl Attach (2-5)		
		(1) 90222 -- Rung Encl Thunderring & Bar,Above Dk		
		(2) 90264 -- 6' Upright, Alum		
		(3) 90266 -- 8' Upright, Alum		
		(4) 90267 -- 9' Upright, Alum		
		(3) 90270 -- 12' Upright, Alum		
		(1) 90271 -- 13' Upright, Alum		



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2022 Grant Proposal - Civic Center Park - Grant CHECK WITH

Quantity	Part #	Description	Unit Price	Amount
		(7) 90272 -- 14' Upright, Alum		
		(1) 90355 -- Store Front Panel, Below Dk		
		(1) 90386 -- Rockscape Archway W/ Guardrail		
		(1) 90389 -- 2'-0" Overhead Climber Access Ladder		
		(1) 90506 -- 6' Single Wave Zip Slide		
		(1) 90507 -- 2'-6"/3' Rumble & Roll Zip Slide		
		(1) 90508 -- 4' Double Zip Slide, Std Dk		
		(1) 90530 -- 2'/2'-6" Little Foot Slide W/Enclosu		
		(1) 90548 -- Climber Archway W/ Plate & Guardrail		
		(1) 90549 -- Climber Archway W/ Plate & Barrier		
		(1) 90610 -- Contoured Panel (Above)		
		(1) 90626 -- Fun-L Crawl Tube Attachment		
		(1) 90673 -- Ramp (Guardrail)		
		(1) 90674 -- Std Access Ramp Link 3 Dk Gr		
		(1) 90676 -- Std Access Ramp Link Gr 2'-6" & 3'		
		(2) 91139 -- Entryway - Barrier		
		(2) 91146 -- Entryway - Guardrail		
		(2) 91209 -- Climber Entryway - Barrier		
		(1) 91334 -- Climber Offset Entryway (Barrier)		
		(1) 91374 -- PS Sensory Wave Up & On (3' & 3'6")		
		(1) 91427 -- PS Sensory Wave Transfer (2')		
		(1) 91457 -- Sensory Wave Entryway		
		(1) 91458 -- Sensory Wave Entryway for 2' Deck		
		(1) 91509 -- Air Walker		
		(1) 91548 -- Dunan Drum Panel		
		(1) 91552 -- Grand Chimes		
		(2) 91602 -- HDPE Vertical Ladder 3'0"		
		(1) 91649 -- Circle Climb 5'-0"-6'-0"		
		(1) 91659 -- 49" Square Deck 9'		
		(3) 91664 -- Umbra Hex Roof		
		(18) 91687 -- Umbra Roof Cap		
		(4) 91708 -- 2'-0" In-Ground Ext. For 9' Platform		
		(6) G90262 -- 4' Upright, Galv		
		(1) G90266 -- 8' Upright, Galv		



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2022 Grant Proposal - Civic Center Park - Grant CHECK WITH

Quantity	Part #	Description	Unit Price	Amount
		(1) G90267 -- 9' Upright, Galv		
		(5) G90270 -- 12' Upright, Galv		
		(5) G90271 -- 13' Upright, Galv		
		(3) G90272 -- 14' Upright, Galv		
		(1) 91240 -- Gadget Frame (Grd Level)		
		(1) 5189 -- Buzz Game Gadget 30"		
		(1) 91642 -- 9' WilderTube "S"		
		(1) 153651 -- 24" St Section 30"Dia		
		(1) 153655 -- 30 Deg Elbow Sec 30" Dia		
		(1) 153655 -- 30 Deg Elbow Sec 30" Dia		
		(1) 203582 -- Tube Entrance Section		
		(1) 204879 -- Footbuck Assy 40 1/16"Lg		
		(1) 205964 -- Curved Right Section		
		(1) 206179 -- Exit Section		
		(1) 207601 -- Double Straight Section		
		(1) 207772 -- Wilder Tube Section		
		(1) 219718 -- EXTENSION 8" LG. C/O		
		(1) 220816 -- Support Assy 65 3/8" Ig		
		(1) 220849 -- Support Assembly 87 13/16" Lg. C/O		
		(1) 220851 -- LONG FORMED FOOTBUCK 116 1/2"LG		
		(1) 220853 -- FOOTBUCK SADDLE 19"		
		(1) 220854 -- HARDWARE KIT - WILDERTUBE S		
1	4858	GameTime - Access Playcurb-W/Adap	\$615.00	\$615.00
Contract: OMNIA #2017001134			Sub Total	\$219,792.00
			Grant	(\$70,792.68)
			Material Surcharge	\$20,040.60
			Freight	\$5,750.00
			Total	\$174,789.92

Comments

Matching Grant Funds are available until November 1st, 2022 at 12PM EST **or** until Grant funds are no longer available. Approved grant application is required. In order to receive full grant funding, a check of \$100,814.92 **must be received at the time of order.**

Pricing valid for 30 days.



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2022 Grant Proposal - Civic Center Park - Grant CHECK WITH

This quotation is subject to policies in the current GameTime Playground Catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases to be supported by your written purchase order made out to GAMETIME C/O SINCLAIR RECREATION. **A 2.5% PROCESSING FEE WILL BE ADDED TO ALL ORDERS PAID VIA CREDIT CARD.**

Pricing: f.o.b. factory, firm for 30 days from date of quotation unless otherwise noted on quotation. Sales tax will be added at time of invoicing unless a tax exemption certificate is provided at time of order entry.

Shipment: Order shall ship within 12-18 weeks after GameTime's receipt and acceptance of your purchase order, color selections, approved submittals, and receipt of deposit, if required.

NOTE: To qualify for the GameTime Grant, you must complete the application form for pre-approval. Upon approval, a Partial Matching Grant (reflected in the pricing shown above) is good toward the purchase of a new Powerscape, PrimeTime, XScape or Ionix Structure only. The order **MUST** be received no later than October 30, with full payment to allow for processing, and your order will ship within 8-12 weeks from date of order placement. The Grant does not apply toward Freight, Freestanding Items, Surfacing or Installation. To qualify for the matching grant amount shown above, a check for the **full** amount **MUST** accompany your order.

Installation: Shall be by a Certified GameTime Installer. Customer shall be responsible for scheduling coordination and site preparation. Site should be level and permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional labor or material costs. Payment terms for installation is Net 10 Days.

NOTE: PRICING **DOES NOT** INCLUDE ANY DAVIS BACON OR PREVAILING WAGE RATES UNLESS SPECIFICALLY IDENTIFIED ABOVE IN QUOTE. THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS, UNLESS SPECIFICALLY LISTED IN ABOVE QUOTE.

Submittals: Our design proposal reflects the spirit and intent of the project plans and specifications. While some variations may exist between our quotation and the project design, the differences do not materially affect the intended use. GameTime designs and specifications are unique and not intended to be identical in all respects to other manufacturers. We shall submit for review and approval by the owner's representative detailed drawings depicting the equipment to be furnished accompanied by specifications describing materials. Once approved, these drawings and specifications shall constitute the final documents for the project and shall take precedence over all other requirements.

Exclusions: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.



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2022 Grant Proposal - Civic Center Park - Grant CHECK WITH

Acceptance of quotation:

Accepted By (printed): _____

Signature: _____

Title: _____

Facsimile: _____

Email: _____

P.O. No: _____

Please make P.O.s out to GameTime C/O Sinclair Recreation

Date: _____

Phone: _____

Purchase Amount: \$174,789.92

REQUIRED ORDER INFORMATION:

Bill To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(For Accounts Payable)

Email: _____

Ship To: _____

Contact: _____

Address: _____

Address: _____

City, State, Zip: _____

Tel: _____

(To call before delivery)

Email: _____

COLOR SELECTIONS: _____

SALES TAX EXEMPTION CERTIFICATE #: _____ (PLEASE PROVIDE A COPY OF CERTIFICATE)

NOTE: IF INSTALLATION IS BEING QUOTED, THERE WILL BE A BACKCHARGE FOR THE INSTALLATION TO BE DONE THROUGH FELT, PEASTONE, SURFACING, OR WOODCHIPS. PRICING VALID FOR 30 DAYS FROM THE DATE OF QUOTATION UNLESS OTHERWISE NOTED. ANY MODIFICATIONS TO AN ACCEPTED QUOTATION MUST BE DOCUMENTED IN WRITING OR WITH A NEW OR SEPARATE QUOTE. VERBAL MODIFICATIONS TO PREVIOUSLY SIGNED QUOTES WILL NOT BE ACCEPTED.

Quote prepared by: Alison Wiegerink



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10/22

PREPARED BY: Matt Lonnerstater, AICP

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

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

Staff recommends that City Council adopt ZTA 22-02, Ordinance #2188, upon first reading and schedule the second and final reading for the October 24th, 2022 City Council meeting.



MEMORANDUM

Date: September 22nd, 2022
 CC Meeting: October 10th, 2022
 To: City of Madison Heights City Council
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Zoning Text Amendment (22-02); Ordinance 2188 – Caregiver Marihuana Grow Overlay District – First Reading

Introduction

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

Background

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

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

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

Planning Commission Action

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

Next Step

Based on the Planning Commission’s recommendation, staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon first reading and schedule the second and final reading for the October 24th, 2022 City Council meeting.

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

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

The City of Madison Heights ordains:

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

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

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

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

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

Section 2. Repealer

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

Section 3. Severability

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

Section 4. Savings

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

Section 5. Effective Date

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

Section 6. Enactment

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

Roslyn Grafstein, Mayor

Cheryl Rottmann, City Clerk

CERTIFICATION:

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

Cheryl Rottmann, City Clerk

ZOTXT 22-02 (Ordinance 2188)

Planning Commission Public Hearing: September 20th, 2022

City Council First Reading: October 10th, 2022

City Council Second Reading: TBD

Adopted/ Public Hearing: TBD

Published: TBD

Effective: TBD

NOTICE OF PUBLIC HEARING

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

Zoning Text Amendment 22-02

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

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

Public Comment:

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

City of Madison Heights
Mary Daley
Business Services Coordinator

Madison Park News 08/24/22



AGENDA ITEM SUMMARY FORM

MEETING DATE: 10/10

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

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

AGENDA ITEM SECTION: Ordinances

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

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

RECOMMENDATION:

Presented for Council consideration is a proposed Post-Construction Stormwater Management Program ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2189. This ordinance as written has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal. Staff recommends that Council approve Ordinance 2189 on first reading, and schedule the second reading for October 24, 2022.

MEMORANDUM

Item 10.

DATE: October 4, 2022

TO: Melissa R. Marsh, City Manager

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

SUBJECT: Ordinance – Post-Construction Stormwater Management Program

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

Upon Legal review, it was determined that the relevant article of the Code would flow better by inserting this language as Section 117, and renumbering the current Section 117 to Section 118. This language is included in the proposed Ordinance.

Presented for Council consideration is a proposed Post-Construction Stormwater Management Program ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2189. This ordinance as written has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal. Staff recommends that Council approve Ordinance 2189 on first reading, and schedule the second reading for October 24, 2022.

Department of Public Services

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

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

ORDINANCE NO. 2189

CITY OF MADISON HEIGHTS OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

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

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

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

Sec. 29-117. POST CONSTRUCTION STORMWATER MANAGEMENT PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

Section 2.

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

Sec. 29-118. Ordinance in conflict.

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

Section 3.

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

Section 4.

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

**COMMAND OFFICER'S
And
CITY OF MADISON HEIGHTS

Tentative Agreement**

1. **Duration:**

Four Year (July 1, 2021 – June 30, 2025)

2. **Wages:**

A. 7/1/21: 2%, retro

B. 7/1/22: 2%

C. 7/1/23: 2%

D. 7/1/24: 2.5%

3. Life Insurance: The City shall provide a double indemnity policy for any on duty line of death.

4. **Article X Loss of Seniority:**

Disability maximum for Workers Compensation and non-duty disability shall be eighteen (18) months. The employee will continue to receive health care benefits during their medical leave. An employee unable to return to work within eighteen (18) months of the date of illness or injury, shall be deemed to be permanently disabled and shall be terminated from the City.

If an employee has not returned to work after the 18 (eighteen) month period, they will be subject to an evaluation by a Medical Evaluator selected by the City and the Employee's Treating Physician. The Evaluator will determine whether the Employee has a reasonable likelihood to return to work within the next 3-month period. If the Evaluator makes the determination that the Employee has a reasonable likelihood of returning to employment within the next (3) month period, the Employee will be eligible to receive an additional 3 months of benefits. If the Evaluator determines that there is not a reasonable likelihood of the

Employee returning to work in the next 3-month period, the Employee will not be eligible for extended benefits.

This section shall not abridge an employee's right for duty or non-duty disability benefits as provided under Michigan PA 345 of 1937 or the Michigan Worker's Compensation Disability Act.

5. **Article XXXIV Work Schedule:**

The Department shall convert to a twelve (12) hour shift system effective 1/1/24 Subject to the following:

- A. All Command Officers assigned to Patrol will work twelve (12) hour shifts, DAYS-0700-1900 hours and NIGHTS 1900-0700 hours. The schedule will be a fixed two (2) week rotating schedule that will result in eighty-four (84) hours being worked every two (2) weeks. This shall not apply to the station support officer/youth officer, detective bureau, undercover or other special assignment.
- B. Schedule: Officers will work eighty-four (84) hours in a two (2) week period and will receive pay for eighty (80) hours. The additional four (4) hours will be earned at straight time (4 hours a pay period) and held in a time bank known as "Schedule Adjust Time" (S.A.T.). After one year an officer can earn up to 104 hours of SAT. At the end of the fiscal year, the City will pay SAT banks down to 40 hours. Upon retirement officers will be paid at straight time for any remaining accumulated SAT bank. This payout will not be used to calculate the retiring members FAC.

Effective 1/1/24

- C. Holidays – All holidays will be converted to hours. Officers receive time and one half for all holiday hours worked and double time and one half for all hours worked as overtime on a holiday.
- D. Personal Days – Earn and converted from days to hours. No other changes.
- E. Vacation hours – Earn and converted from days to hours. No other changes
- F. Sick time – Earn and converted from days to hours. No other changes.
- G. Shift rotations and platoon assignments will be six (6) months at a time from August through January and February through July of each year. Shift picks and seniority will be conducted in January and July of each year. Officers will pick in order of seniority. Shift Picks stay based on seniority.

H. Officers working the "night shift" 1900-0700 hours shall receive shift premium. Officers working the day shift will receive shift premium for hours worked from 3pm to 7pm. Effective 1/1/24

I. Overtime: Alter to reflect (8) eight hours with (12) twelve hours and eighty (80) with eighty four (84) for members assigned the (12) twelve hour work day. The "Rule of 6" shall apply as provided under the SOG.

J. Remaining procedures shall be subject to a departmental memorandum in accordance with the attached Standard Operating Guidelines. Changes or modifications to the SOG shall be subject to mutual agreement of the parties.

6. **Letters of Agreement:**

The Parties agree that any Letters of Understanding or Letters of Agreement that are not incorporated in the successor CBA shall be nullified.

7. **Article II Dues Deduction:**

The City shall deduct from the pay of each employee from whom it receives written authorization the amount established by the Union as dues, fees, and assessments. Such sums shall be forwarded to the Union within seven (7) days after deductions have been made, together with a list of employees who had authorized such deductions and from whose pay no deductions were made. The reasons for not making deductions from the pay of the listed employees shall likewise be furnished to the Union upon request.

Union will provide additional text.

8. The Parties agree that the health care premium sharing shall remain at 10% for the duration of this agreement as provided under Article XIX of the July 1, 2017-June 30, 2020 CBA.


9. The City shall provide members of the bargaining unit who have acquired 22 years of service credit, as of April 1st, 2022, a onetime opportunity to purchase up to two (2) years of service credit. This purchase must be completed by 7/1/22. This shall be to a maximum of 25 years of service credit and shall only be purchased in full year increments. Members who purchase service credit shall only be eligible to withdraw normal pension contributions in their annuity withdrawal, not contributions associated with the purchase. Upon written request by a member, the City shall seek the cost estimate from the actuary to provide the member with

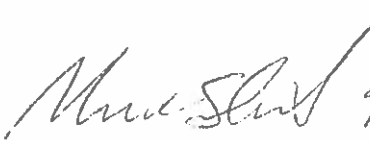
the final cost to purchase the service credits and provide once received. Members are also responsible for the cost of the actuarial calculation.

Members who exercise the option to purchase service credits may not use their annuity funds to make the purchase.


Members who purchase time will be eligible for pension and medical benefits immediately upon retirement.

10. Gun allowance: Command Officers hired after July 1, 2009 shall receive an annual \$1,000 weapons proficiency allowance for qualifying with all department-issued firearms.
11. All other provisions will be carried forward.

 4/25/22.
By: _____ Date: _____

 4/25/22
By: _____ Date: _____

 4/26/22
By: _____ Date: _____

 4/25/22
By: _____ Date: _____