



**CITY OF MADISON HEIGHTS**  
**CITY HALL - COUNCIL CHAMBERS, 300 W. 13 MILE RD.**  
**CITY COUNCIL REGULAR MEETING AGENDA**  
**JANUARY 23, 2023 AT 7:30 PM**

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**CALL TO ORDER**

**ROLL CALL**

**INVOCATION and PLEDGE OF ALLEGIANCE - COUNCILWOMAN AARON**

**APPROVAL OF THE AGENDA:**

1. Additions/Deletions **Reports - Adopt recommendation of City Attorney to appoint Simons, Stella and Zingas, PC as Special Legal Counsel**

**PRESENTATIONS**

2. Director of Public Services - 2022 Holiday Light Awards Presentation
3. Councilman Soltis - Child Protective Services Data Presentation

**PUBLIC HEARINGS:**

**ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE**

**MEETING OPEN TO THE PUBLIC:**

**CONSENT AGENDA:**

4. Amy Pugh - Resignation from the Human Relations and Equity Commission
5. Regular City Council Meeting minutes of January 9, 2023
6. Special City Council Meeting minutes of January 12, 2023
7. Fire Department Ambulance Adjustment

**COMMUNICATIONS:**

**REPORTS:**

**ITEMS FOR FUTURE PUBLIC HEARINGS:**

**BID AWARDS/PURCHASES:**

8. Fire Chief - Fire Department Power Load Lifting System

**ORDINANCES:**

9. Director of Public Services - Ordinance No. 2192, Stormwater Illicit Discharge Elimination Plan Ordinance, First Reading

**UNFINISHED BUSINESS:**

**MINUTES:**

**EXECUTIVE SESSION:**

**ADJOURNMENT**

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: [clerks@madison-heights.org](mailto:clerks@madison-heights.org)

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

DATE: January 18, 2023

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, January 23, 2023

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The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, January 23, 2023.

**PRESENTATIONS:**

**2022 HOLIDAY LIGHT AWARDS PRESENTATION**

Department of Public Services Director Corey Almas has requested time on the Council agenda to present the 2022 Holiday Light Awards.

**CHILD PROTECTIVE SERVICES PRESENTATION**

Councilman Dave Soltis, supported by Sean Fleming, has requested time on the Council agenda to present the updated Child Protective Services data.

**CONSENT AGENDA:**

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

**AMY PUGH – RESIGNATION FROM THE HUMAN RELATIONS AND EQUITY COMMISSION**

Amy Pugh has submitted her resignation from the Human Relations and Equity Commission, effective immediately. Accordingly, I recommend that Council approve this resignation, creating a vacancy.

**AMENDMENT FOR PURCHASE OF FIRE DEPARTMENT AMBULANCE**

On July 12, 2021; City Council approved the purchase of a 2021 Road Rescue Ambulance from Emergency Vehicles Plus for a total not to exceed \$274,927.80. This purchase price included a trade-in of our currently vehicle of \$15,000. The vehicle is now ready for delivery; however with credit for a requested change in build the city would only be gaining \$12,259.14 for trading in our vehicle. The Fire Department has requested to keep this vehicle as a backup.

Staff and I recommend City Council approve the consent item to adjust the original purchase price by \$12,259.14 for a total purchase price of \$287,186.94 for the rescue ambulance from Emergency Vehicles Plus. Funds are available within the department for this purchase.

**BID AWARDS/PURCHASES:**

# FIRE DEPARTMENT POWER LOAD LIFTING SYSTEM

In the 2024 fiscal year budget, \$37,000 has been requested to purchase a new Power Load system and the ProCare service plan from Stryker. This equipment is a system that lifts and lowers the cot into and out of the ambulance. The Power Load is a proprietary system and is the only system that will work with our Stryker cots.

Early this month, Stryker informed us that a demo Power Load has come available at a discounted price. In addition, Stryker advised that a price increase will go into effect the first week of February for the Power Load and ProCare service plan. This opportunity to purchase this demo will save the City \$7,400, equating to a 23% savings. Also, once purchased, we will be eligible to receive a Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP) grant, which will provide a \$5,505 reimbursement to the City.

Therefore, staff and I recommend that the city council take advantage of the demo price by approving a budget amendment for \$31,500 to account 101-336-982-000 and awarding the purchase of one Power Load lifting system from Stryker for \$31,387.28.

## **ORDINANCES:**

### ORDINANCE NO. 2192, STORMWATER ILLICIT DISCHARGE ELIMINATION PLAN ORDINANCE, FIRST READING

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

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

Presented for Council consideration is the proposed IDEP ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2192. This ordinance, as written, has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal Counsel. Staff recommends that Council approve Ordinance 2192 on the first reading and schedule the second reading for February 13, 2023.





## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** January 23, 2023

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

**AGENDA ITEM CONTENT:** DPS - 2022 Holiday Light Awards

**AGENDA ITEM SECTION:** Presentations

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The DPS Director and Members of the Active Adult Center Advisory Board are scheduled to make a brief award presentation on Monday evening and play a short PowerPoint slide show of the winners' and nominees outstanding displays.

First Place Winner: Andrew Lewandowski of 30339 Garry Avenue

Second Place Winner: Shawn Bennis of 1533 West Whitcomb Avenue

**RECOMMENDATION:**

# 2022 Holiday Lights Awards





*Congratulations!*



**30339 GARRY**

*Congratulations!*



**1533 W WHITCOMB**





**391 HECHT**



**712 W PARKER**





**1259 E BARRETT**



**1370 MAUREEN**





**1616 BEVERLY**



**1636 CONNIE**





**1709 MILLARD**



**25404 MIRACLE**





**26045 OSMUN**



**26531 BRUSH**





**26546 BARRINGTON**



**27835 ALGER**





**28728 PARK COURT**



**30169 WESTWOOD**





**30165 WESTWOOD**



**30635 WESTWOOD**





**30704 WINTHROP**



**30415 WHITTIER**





30239 GARRY



# CONGRATULATIONS TO ALL OUR NOMINEES!



1636 CONNIE  
28728 PARK CT  
391 HECHT  
30169 WESTWOOD  
30165 WESTWOOD  
30635 WESTWOOD  
30704 WINTHROP  
30339 GARRY  
30415 WHITTIER  
1533 W WHITCOMB  
26546 BARRINGTON

1259 E BARRETT  
25404 MIRACLE  
26045 OSMUN  
26531 BRUSH  
1370 MAUREEN  
27835 ALGER  
712 W PARKER  
1616 BEVERLY  
1709 MILLARD  
30239 GARRY





## **CERTIFICATE OF APPRECIATION**

**WHEREAS**, the Fiscal Year 2019-20 City Goal Plan included the reinstitution of the Holiday Light and Summer Beautification Award programs which provide recognition of and incentive for City pride; and,

**WHEREAS**, festive lighting and holiday decorating improve our City's overall appearance and provide a sense of pride and community involvement; and,

**WHEREAS**, on the evening of December 13, 2022 the Active Adult Center Advisory Board viewed many well decorated and festive homes throughout the City that were submitted by the community; and,

**WHEREAS**, the effort put forth by all Madison Heights' residents and businesses to make our City beautiful does not go unnoticed or unappreciated in the City of Progress.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council extend heartfelt thanks to

**Andrew Lewandowski – First Place Winner**  
**30339 Garry Avenue**

for maintaining a beautiful home, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.




Roslyn Grafstein  
Mayor



Toya D. Aaron  
Councilwoman



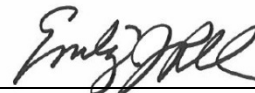
Sean D. Fleming  
Councilman



David M. Soltis  
Councilor



Mark A. Bliss  
Mayor Pro Tem



Emily J. Rohrbach  
Councilor



Quinn J. Wright  
Councilor

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**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council extend heartfelt thanks to

### **Shawn Bennis – Second Place Winner 1533 West Whitcomb Avenue**

for maintaining a beautiful home, and extend this certificate as a symbol of our appreciation for their civic-minded contributions to the City of Madison Heights.




Roslyn Grafstein  
Mayor



Toya D. Aaron  
Councilwoman



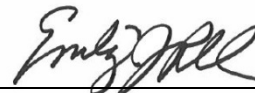
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Mayor Pro Tem



Emily J. Rohrbach  
Councilor



Quinn J. Wright  
Councilor

# CHILD MALTREATMENT

CHILD PROTECTIVE SERVICES DATA  
MADISON HEIGHTS,  
STATE OF MICHIGAN  
AND UNITED STATES  
FY18-FY20

**Councilman David Soltis**

# Madison Heights FY18-FY20

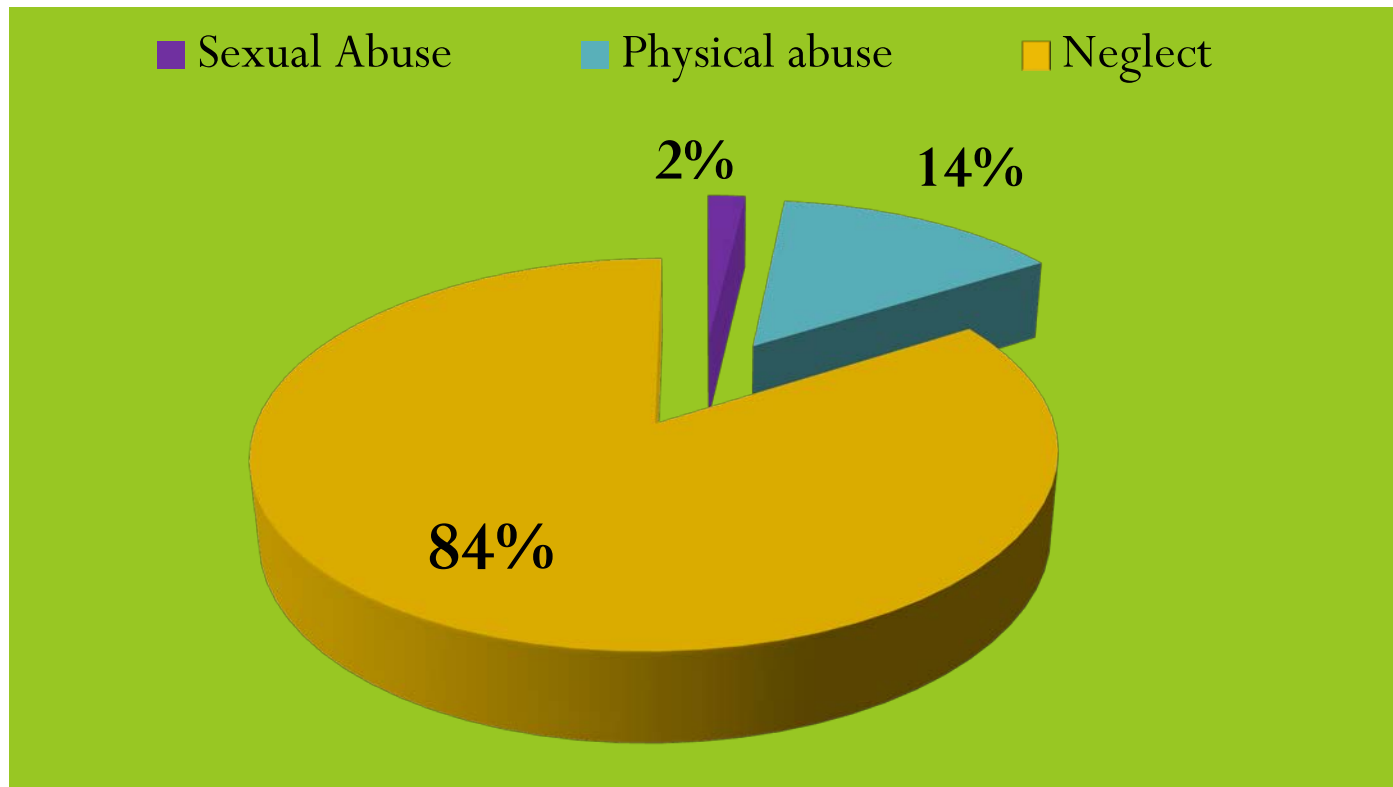
## Total 264 Found Incidents Abuse&Neglect

	FY18	FY19	FY20	TOTALS
Mental Injury	1	0	0	1
Sexual Abuse	1	1	3	5
Medical Neglect	1	6	2	9
Threatened Harm	10	3	4	17
Physical Abuse	11	13	14	38
Physical Neglect	16	16	8	40
Failure to Protect	74	1	1	76
Improper Supervision	5	44	29	78
<b>TOTAL</b>	<b>119</b>	<b>84</b>	<b>61</b>	<b>264</b>

# Madison Heights Child Maltreatment%

(confirmed allegations)  
FY 18-FY20

Item 3.



# Tri-County Area Stats

Item 3.

Covid



Location	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Macomb	1,561	1,544	1,472	1,382	1,502	1,753	1,782	1,439	1,141	1,103
	8.2	8.2	7.8	7.3	8.0	9.4	9.6	7.8	6.3	6.1
Oakland	1,786	1,723	1,640	1,897	2,206	2,259	1,950	1,826	1,421	1,204
	6.4	6.2	5.9	6.9	8.1	8.4	7.3	6.9	5.5	4.7
Wayne	4,502	5,101	5,047	6,264	7,058	8,100	7,295	6,272	5,349	5,456
	10.0	11.6	11.7	14.7	16.7	19.3	17.5	15.1	13.0	13.3

KIDS COUNT data center: A project of the Annie E. Casey Foundation –  
Totals of all types of abuse and neglect

# Office of Auditor General Performance Report

Item 3.

Children's Protective Services Investigations  
Michigan Department of Health and Human Services  
September 2018



cps report full - Shortcut.lnk

# State of Michigan – Tragic State

## Aggregate Numbers

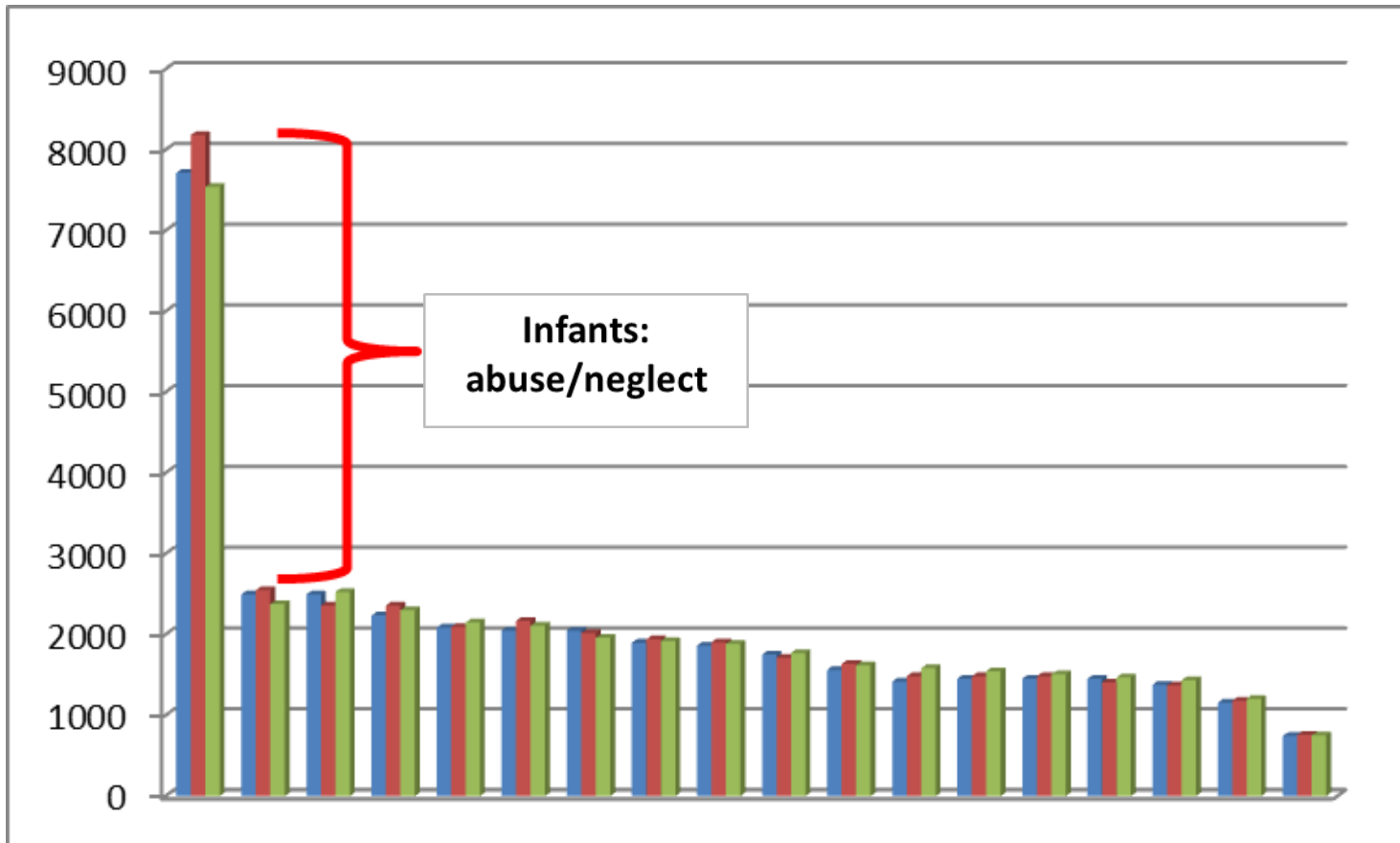
Item 3.

MI	2016 ↓		2017 ↓		2018 ↓		2019 ↓		2020 ↓	
<b>Under 1 year</b>	<b>0.207</b>	<b>7713.03</b>	<b>21.5</b>	<b>8183.33</b>	<b>20</b>	<b>7540.6</b>	12.6	<b>4163.418</b>	12.7	3420.364
<b>1 year</b>	0.067	2496.49	6.7	2550.15	6.3	2375.29	7.3	2412.139	7.4	1992.968
<b>2 years</b>	0.067	2496.49	6.2	2359.84	6.7	2526.10	6.9	2279.967	6.9	1858.308
<b>3 years</b>	0.060	2235.66	6.2	2359.84	6.1	2299.88	6.4	2114.752	6.8	1831.376
<b>4 years</b>	0.056	2086.62	5.5	2093.41	5.7	2149.07	6.2	2048.666	6.2	1669.784
<b>5 years</b>	0.055	2049.36	5.7	2169.53	5.6	2111.37	5.9	1949.537	5.9	1588.988
<b>6 years</b>	0.055	2049.36	5.3	2017.29	5.2	1960.56	5.8	1916.494	5.7	1535.124
<b>7 years</b>	0.051	1900.31	5.1	1941.16	5.1	1922.85	5.5	1817.365	5.6	1508.192
<b>8 years</b>	0.050	1863.05	5	1903.10	5	1885.15	5.4	1784.322	5.2	1400.464
<b>9 years</b>	0.047	1751.27	4.5	1712.79	4.7	1772.04	5.1	1685.193	4.7	1265.804
<b>10 years</b>	0.042	1564.96	4.3	1636.67	4.3	1621.23	4.9	1619.107	4.7	1265.804
<b>11 years</b>	0.038	1415.92	3.9	1484.42	4.2	1583.53	4.6	1519.978	4.7	1265.804
<b>12 years</b>	0.039	1453.18	3.9	1484.42	4.1	1545.82	4.7	1553.021	4.4	1185.008
<b>13 years</b>	0.039	1453.18	3.9	1484.42	4	1508.12	4.5	1486.935	4.5	1211.94
<b>14 years</b>	0.039	1453.18	3.7	1408.29	3.9	1470.42	4.3	1420.849	4.4	1185.008
<b>15 years</b>	0.037	1378.66	3.6	1370.23	3.8	1432.71	4	1321.72	4.1	1104.212
<b>16 years</b>	0.031	1155.09	3.1	1179.92	3.2	1206.50	3.4	1123.462	3.6	969.552
<b>17 years</b>	0.020	745.22	2	761.24	2	754.06	2.1	693.903	2.2	592.504
<b>Missing data</b>	0.20	-745.22	0.3	-114.19	0.2	-75.4	0.2	-66.086	<.1	
<b>TOTALS</b>		<b>36,516</b>		<b>37,986</b>		<b>37,590</b>		<b>32,845</b>		<b>26,851</b>

↓ State of MI tried to use rates instead of actual numbers of abuse to soften the impact



# State of MI



# MI (<1) Infant Maltreatment 10 yr Avg.

STATE OF MICHIGAN

**Avg. 7812**

**10 yrs. Average infant neglect/abuse =  
+78,000**

And that is only the 1/4 as founded

# MI (1 - 17) Abuse&Neglect 10 yr Avg.

**Avg. 37,364/yr  
10 yrs**

**+373,000**

And that is only the 1/4 as founded

# State Level vs. U.S.

## Children Who Are Subject To An Investigated Report (Number & Rate Per 1,000)

Location	Data Type	2016	2017	2018	2019	2020
United States	Number	3,414,877	3,470,432	3,507,054	3,449,674	3,121,409
	Rate per 1,000	46	47	48	47	43
Michigan	Number	149,103	149,663	157,975	160,398	128,872
	Rate per 1,000	68	69	73	75	61

# MI Children Maltreated number of founded aggregate numbers of occurrences per year

Item 3.

Maltreatment Types of Child Victims (%)

MI	2016		2017		2018		2019		2020	
<b>Emotional abuse</b>	0.400	149	0.4	152	0.6	226	0.6	198	0.6	162
<b>Medical neglect</b>	2.100	782	1.9	723	2	754	2.4	793	2.2	593
<b>Neglect</b>	85.600	31895	85.2	32429	85.8	32349	94.1	31093	92.3	24858
<b>Physical abuse</b>	23.800	8868	25.2	9592	24.1	9086	15.7	5188	15.2	4094
<b>Sexual abuse</b>	3.100	1155	3.7	1408	3.8	1433	4	1322	4.5	1212
<b>Sex trafficking</b>	0.000	0.00	0	0.00	0.1	38	<.1	#VALUE!	0.1	27
<b>Missing data</b>	0.000	0.00	0	0.00	0	0.00	0	0.00	0	0.00
<b>Other</b>	<.1		0	0.00	0	0.00	<.1	#VALUE!	0	0.00
<b>TOTALS</b>	37261	*42,850	38,062	*44,304	37,703	*43,886	33,043	*38,594	26,932	*30,945

\*Multiple maltreatments per child

# Michigan CPS Data Problems

- **PROBLEM #1:** Unfounded % each year
  - Stats implausible when over 70% are considered “unfounded” consistently each year
  - Questions mandatory reporters (teachers, law enforcement and doctors)
- **PROBLEM #2**
  - 2018 Audit General’s Report stated serious violations for years
  - Currently MI child welfare system is under Federal Oversight with the Judge criticizing MI CPS
- **PROBLEM #3**
  - Covid environment numbers dropped significantly because children kept at home – **no mandatory reporters**

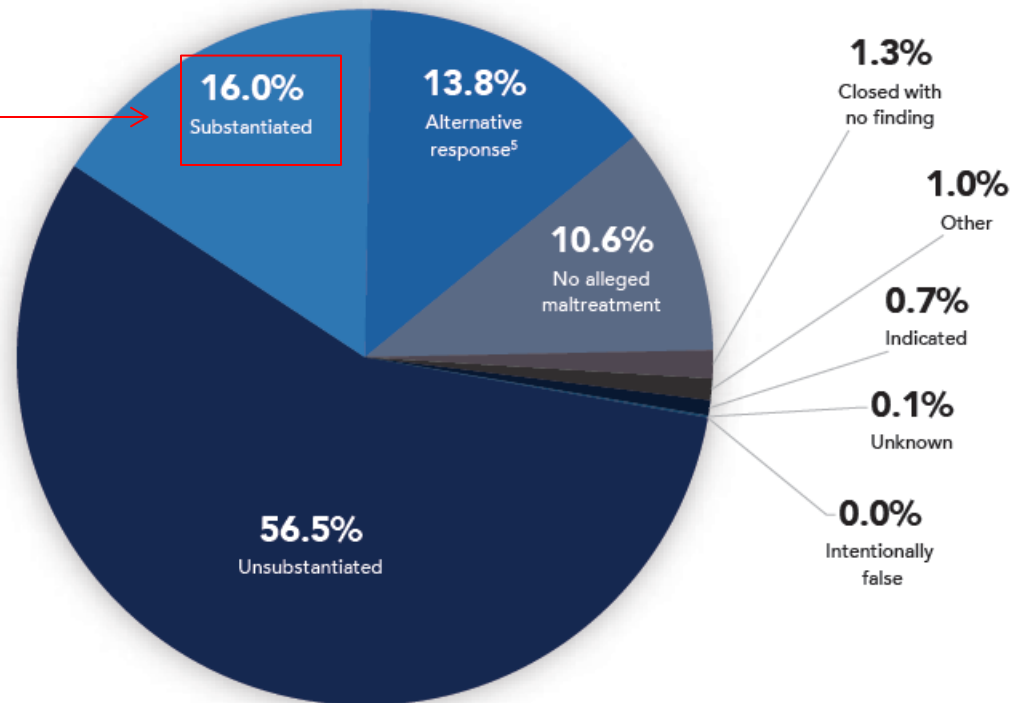
# Federal Judge Oversight State of MI

- <https://www.detroitnews.com/story/news/local/michigan/2022/01/20/court-monitors-issue-devastating-review-michigan-child-welfare-system/6591225001/>

# U.S. Nation-Wide Child Abuse & Neglect

FIGURE 1. INVESTIGATION DISPOSITIONS

Only 16% were  
“founded credible”



This factsheet presents data from *Child Maltreatment 2019*, a report based on data submissions by State child protective services (CPS) agencies for Federal fiscal year (FFY) 2019.



# HOW MANY ALLEGATIONS OF MALTREATMENT WERE REPORTED AND INVESTIGATED NATIONWIDE?

During FFY 2019, CPS agencies received an estimated **4.4 million referrals** involving the alleged maltreatment of approximately **7.9 million children**.

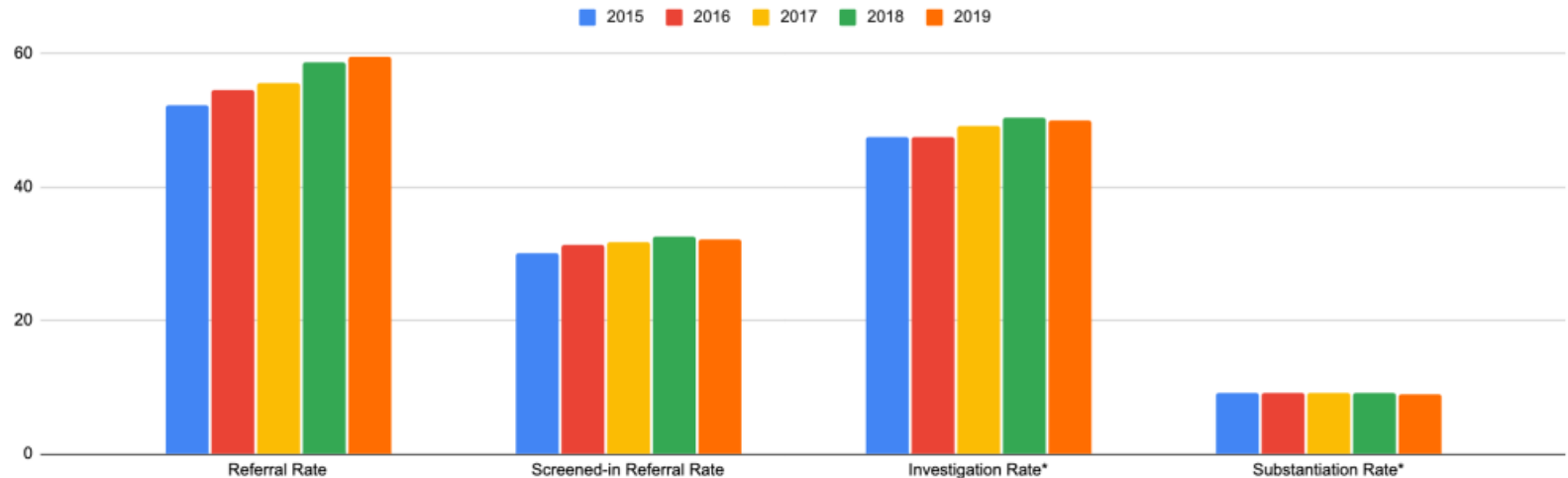
The national referral rate is **59.5 referrals per 1,000 children**.

2.4 million reports—concerning approximately **3.5 million children—were screened in as “appropriate” for CPS response and received either an investigation or alternative response.**

The national rate for children receiving either an investigation or alternative response was 47.2 children per 1,000 in the population.

Source: *Child Welfare Monitor tabulation of data from Child Maltreatment 2019*, available from <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019.pdf>

Referral Rate, Screened-in Referral Rate, Investigation Rate and Substantiation Rate per 1,000 Children, 2015-2019



During FFY 2019, CPS agencies received an estimated **4.4 million referrals** involving the alleged maltreatment of approximately **7.9 million children**.

The national referral rate is **59.5 referrals per 1,000 children**.

2.4 million reports—concerning approximately 3.5 million children—were screened in as “appropriate” for CPS response and received either an investigation or alternative response.

The national rate for children receiving either an investigation or alternative response was 47.2 children per 1,000 in the population.

# Exhibit S-2 Statistics at a Glance, 2019

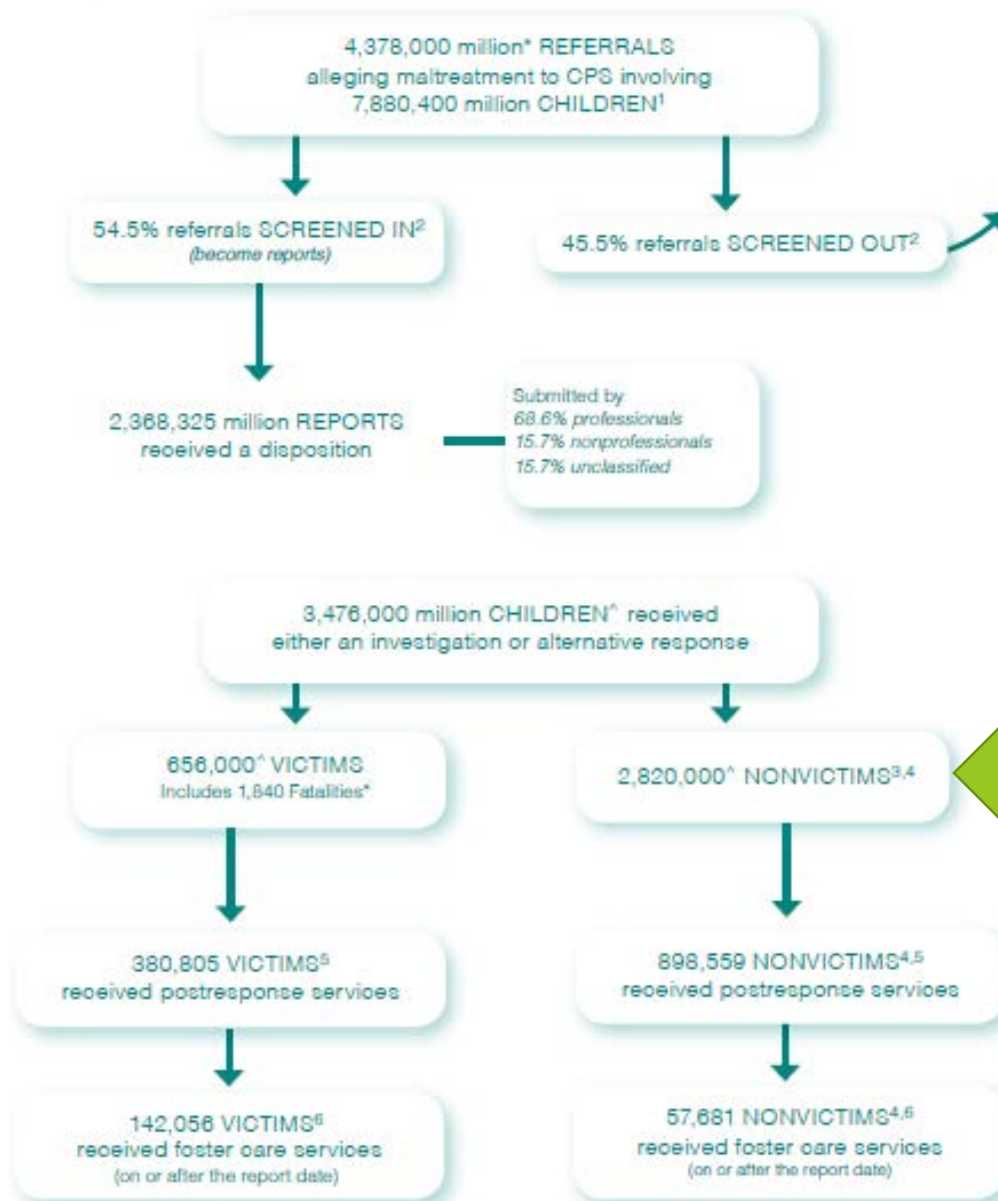
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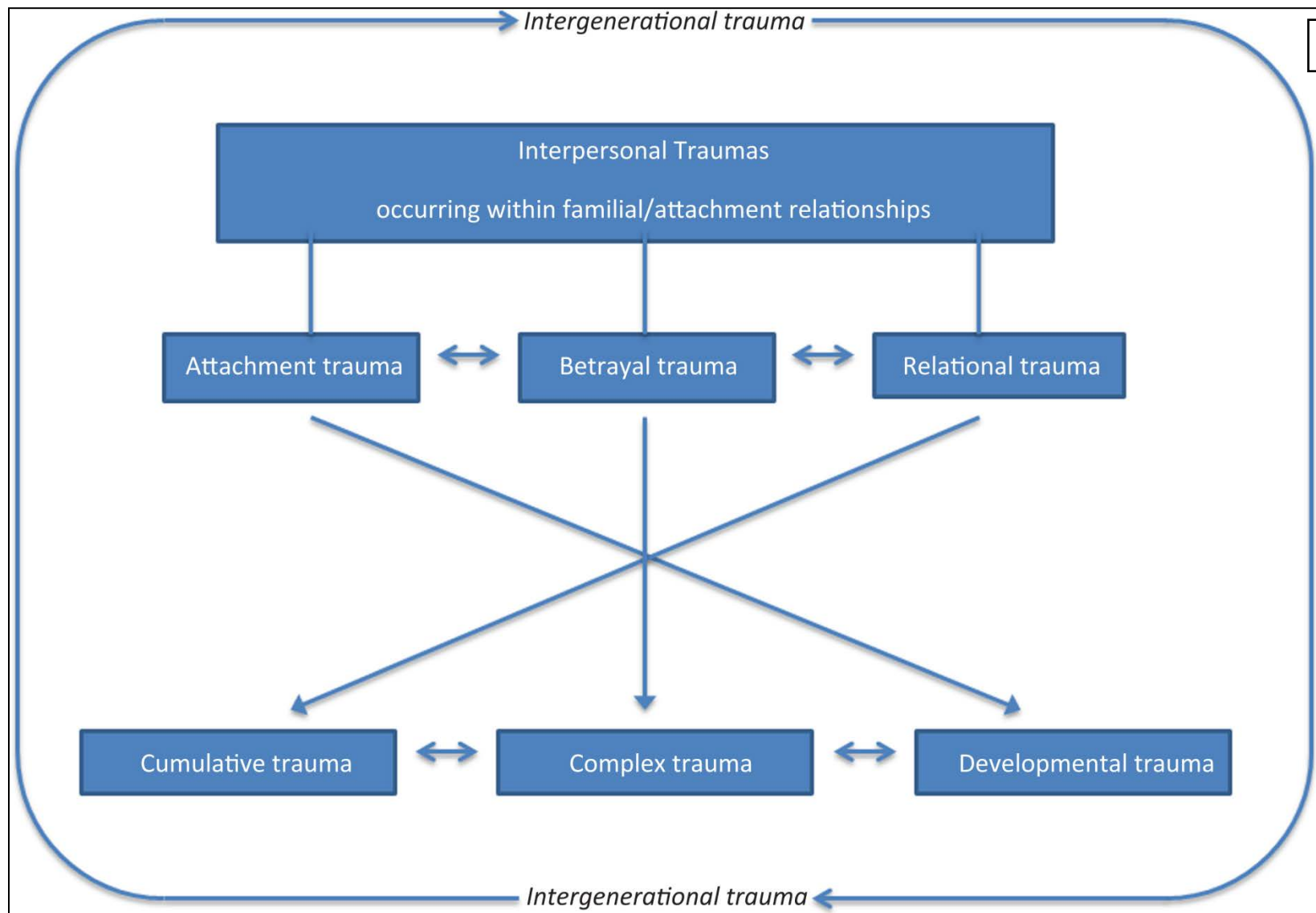
Referrals

Reports

Children

Services





First published online August 21, 2017 Psychological Trauma in the Context of Familial Relationships: A Concept Analysis Sophie Isobel  
 sophie.isobel@sswahs.nsw.gov.au, Melinda Goodyear, and Kim Foster View all authors and affiliations Volume 20, Issue 4 <https://doi.org/10.1177/1524838017726424>



Year	Age of Mother									
	All Ages	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45+	Age Not Stated
2010	114,717	112	10,832	27,814	33,680	27,515	11,938	2,622	201	3
2011	114,159	94	9,655	27,907	33,703	28,175	11,719	2,720	170	16
2012	112,708	105	8,893	27,616	33,299	28,398	11,616	2,595	177	9
2013	113,732	74	7,870	27,666	33,882	29,309	12,106	2,632	188	5
2014	114,460	69	6,968	27,134	34,884	30,165	12,475	2,573	184	8
2015	113,211	60	6,352	25,727	35,104	30,403	12,889	2,485	188	3
2016	113,374	44	5,792	24,362	35,518	31,393	13,545	2,519	199	2
2017	111,507	57	5,307	22,751	35,894	30,845	13,751	2,681	219	2
2018	110,093	45	5,042	21,621	35,232	31,452	13,837	2,667	177	20
2019	107,917	49	4,758	20,447	34,095	31,649	13,967	2,741	182	29
2020	104,149	42	4,191	19,190	32,211	31,716	13,891	2,675	204	29

1,230,027

# Closing Comments/Questions



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 1/23/23

**PREPARED BY:** Cheryl Rottmann, City Clerk

**AGENDA ITEM CONTENT:** Amy Pugh - Resignation from the Human Relations and Equity Commission

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:** n/a

**FUNDS REQUESTED:**

**FUND:**

**EXECUTIVE SUMMARY:**

Amy Pugh has submitted her resignation from the Human Relations and Equity Commission.

**RECOMMENDATION:**

Staff recommends Council accept the resignation and declare the seat vacant.

**Cheryl Rottmann**

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**From:** Heather Hames  
**Sent:** Saturday, January 7, 2023 2:22 PM  
**To:** Cheryl Rottmann  
**Cc:** Annette Boucher; Mary Daley  
**Subject:** Fw: Amy Pugh

Hi Cheryl,

I'm forwarding Amy Pugh's email that she is resigning from HREC.

thank you,  
Heather

Heather Hames, MLIS (she/her)  
Library Coordinator  
Madison Heights Public Library  
248-588-7763  
[www.madison-heights.org/library](http://www.madison-heights.org/library)  
[www.facebook.com/mhlibrary](https://www.facebook.com/mhlibrary)

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**From:** Amy Pugh <amypugh0427@gmail.com>  
**Sent:** Tuesday, December 27, 2022 10:55 AM  
**To:** Heather Hames <HeatherHames@madison-heights.org>  
**Cc:** Nickole Fox <nickolefox@gmail.com>  
**Subject:** Amy Pugh

Hey there,

I'm sad to say that it doesn't seem as though I can fulfill my duties as a member of this committee. I have no availability Tues/Wed/Thurs evenings for meetings, as I am a single mom with two non-driving teens who both play a ton of sports.

Additionally, it seems as though I am always late to the party because allllll these email messages go to my spam-I don't find them til cleaning out my email folders after the fact.

I apologize for the late notice, but this isn't right for me right now!

Best,  
Amy Pugh  
248-824-3014



City Council Regular Meeting  
Madison Heights, Michigan  
January 09, 2023

A City Council Regular Meeting was held on Monday, January 09, 2023 at 7:30 PM at Fire Station #1 - Training Room - 31313 Brush Street.

**PRESENT**

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

**OTHERS PRESENT**

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

The invocation was led by Mayor Grafstein and the Pledge of Allegiance followed.

**PRESENTATIONS:**

**2022 Fire Department Awards**

Fire Chief Lelito presented the 2022 Fire Department Awards as follows:

**Unit Citation**

Fire Marshal Biliti	Firefighter Lecluyse
Captain Dwyer	Firefighter Rutter
Lieutenant Gilson	Firefighter Roberts
Lieutenant Shepherd	Firefighter Chapman
Lieutenant Brown	Firefighter Fiscelli
Lieutenant Sirvio	Firefighter Stern
Lieutenant Garvey II	Firefighter Ceglarz
Lieutenant Arnold	Firefighter Kelly
Firefighter Kadjan	Firefighter Christy

**Award of Merit**

Captain Powers  
Lieutenant Brown  
Lieutenant Arnold  
Firefighter Toll  
Firefighter Chapman

Firefighter of the Year  
Karl Bayly

**MEETING OPEN TO THE PUBLIC:**

Martha Covert stated that she hoped everyone had a nice holiday. She spoke in support of National Law Enforcement Appreciation Day and thanked the City's firefighters as well. She thanked Anna for the holiday video and sought clarification on Council filling in on boards and commissions to meet quorum.

**CONSENT AGENDA:**

Councilman Fleming requested Item #4, Amendment to Human Relations and Equity Commission be removed from the Consent Agenda.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the Consent Agenda as read.

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

Motion carried.

**CM-23-01. FY 2023-2028 Capital Improvement Plan.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to receive and file the FY 2023-2028 Capital Improvement Plan as presented.

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

Motion carried.

**CM-23-02. Jennifer Zmarzlik – Resignation for the Arts Board, Brownfield Redevelopment Authority, and Downtown Development Authority.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to accept the resignation of Jennifer Zmarzlik from the Arts Board, Brownfield Redevelopment Authority and the Downtown Development Authority and declare the seats vacant.

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

Motion carried.

**CM-23-03. Retirement Corrective Action Plan 2022-23.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the Police and Fire Retirement System Corrective Action Plan 2022-23 Application of Compliance as presented.

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

Motion carried.

**CM-23-04. City Council Special Meeting Minutes of December 5, 2022.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the City Council Special Meeting minutes of December 5, 2022, as printed.

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

Motion carried.

**CM-23-05. Special City Council Meeting Minutes of December 12, 2022.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the City Council Special Meeting minutes of December 12, 2022, as printed.

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

Motion carried.

**CM-23-06. City Council Regular Meeting Minutes of December 12, 2022.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the City Council Regular Meeting minutes of December 12, 2022, as printed.

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

Motion carried.

**CM-23-07. Amendment to Human Relations and Equity Commission Resolution.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to adopt the resolution amending the Human Relations and Equity Commission as follows:

AMENDMENT TO THE RESOLUTION PROVIDING FOR THE CREATION, MEMBERSHIP, STRUCTURE, AND RESPONSIBILITIES OF A HUMAN RELATIONS AND EQUITY COMMISSION TO ADVISE THE CITY COUNCIL ON HUMAN RELATIONS AND DIVERSITY RELATED ISSUES AND TO RECOMMEND POLICIES, PROGRAMS, SERVICES, AND EVENTS THAT ENHANCE HUMAN RELATIONS AND CULTURAL DIVERSITY THROUGHOUT THE COMMUNITY.

*WHEREAS*, Madison Heights is a city of diverse races and cultures, religions and beliefs, experiences and traditions and has a cultural life, economy, livability, and neighborhoods that have been enriched by this growing diversity; and,

*WHEREAS*, the existence of a thriving and diverse community has also raised complex questions about how to build a truly inclusive city; and,

*WHEREAS*, the principles of representative democracy require that the interests of all people be heard and considered in the establishment and administration of ordinances and policies, and in governing of the City; and,

*WHEREAS*, the community will benefit from the creation of an advisory commission, focused on cultural and racial relations, with a mission to create greater cohesion in our community by promoting mutual respect, dignity, and open communication among all people; and,

*WHEREAS*, the City of Madison Heights strives to promote and foster goodwill, and through cooperation and conciliation among all groups and segments of the population, to eliminate and prevent within its boundaries, (i) discrimination, segregation, or separation because of race, color, national origin, religion, alienage, sexual orientation, gender identity or other classifications that have historically been used to discriminate against people; (ii) to promote nonviolence, tolerance and human rights, and (iii) to seek equal justice, equal opportunity and equal dignity without prejudice;

*NOW, THEREFORE, BE IT RESOLVED* that the City Council of the City of Madison Heights, Michigan, hereby creates an advisory commission to be called the Human Relations and Equity Commission (HREC).

*BE IT FURTHER RESOLVED* that the purpose of the HREC is to advise the City on human relations and diversity related issues to recommend policies, programs, services and events which enhance human relations and cultural diversity throughout the community, in accordance with the following:

1. The HREC (also referred to as the “Commission”) shall be comprised of *nine* regular voting members and *three* alternate members who shall all be residents of Madison Heights, with appointments focused on a diverse representation of the City’s residents. Voting members shall be as follows:



- a. One member from among the members of city council and eight members and three (3) alternate from the residents of the city-at-large. In the case of the delegate from the city council, the city council may designate an alternate city council delegate who shall sit only in the absence of the regularly appointed city council delegate and who shall have the same authority and powers as such regularly appointed city council delegate.
  - b. Three non-voting student members shall be appointed by the staff liaison and shall serve as long as they are willing and a student at a school located in Madison Heights.
  - c. A chair and Vice-chair shall be elected annually by the membership.
  - d. Voting members shall serve without pay.
  - e. Terms of resident members are two (2) years. Councilmember appointments are two (2) year terms until the next Regular City Council election.
  - f. Alternates shall serve as ex-officio members meaning they on the boards or commissions in the absence of regular voting members. Alternate members are encouraged to attend all the meetings to stay up to date on issues; they are not voting members and, in the event of a full board or commission could not make motions or vote on issues but may be involved throughout the meeting in the full discussion.
4. Attendance by 50% or more of the current membership of the commission shall constitute a quorum for the transaction of business. Any action of the commission shall require concurrence of the majority of the quorum present at the meeting. In the absence of an *at large voting* member, an *at large* alternate member shall take the absent *at large voting* member's place for purposes of that meeting *and shall count toward quorum*.
5. In addition to conducting its meetings, the Commission shall specifically have the following powers and duties:
- a. Serve in an advisory capacity to the City Council on human relations, diversity, and equity related issues.
  - b. Serve as a resource and an advocate on behalf of marginalized people and/or marginalized groups residing in the community.
  - c. Review current City policies, practices, and activities.
  - d. Recommend, as it deems necessary and proper, items for the City Council agenda to revise City policies, procedures, and activities to ensure the fair, equitable and equal administration and enforcement of policies and to bring to the City Council's attention issues of concern.
  - e. Work to promote good community relations and foster cross-cultural understanding between the City's Police Department and marginalized people and/or marginalized groups.

- f. Work to promote the City as a diverse and unique place that prioritizes quality of life of our residents.
- g. Hold educational seminars and public social events to foster cross-cultural understanding, support for migrants and refugees, and to celebrate and preserve the diversity of cultures and the diversity of opinions that make the City of Madison Heights a great place to live. Educational seminars and public social events shall be non-partisan in nature, not discriminate against any one demographic of the population in regard to their political, social, or religious beliefs.
- h. Cooperate with other groups based in the City, whose purpose is the same or substantially the same to the Commission's purpose as described herein.
- i. The HREC shall have access to data, information, and materials concerning City policies, practices or activities as it deems necessary to further its purpose; provided, however, this information shall not include personnel files, confidential information, or other information protected by City codes and policies, state or federal laws, unless expressly so directed by City Council after consultation with the City Attorney. Further, it is not intended for the HREC to be a quasi-judicial body, an oversight board, or a body whose primary function is to receive or investigate individual complaints.
- j. The views of individual HREC members shall be considered the views and opinions of those members and will not necessarily reflect the opinions, official policies or positions of the Commission or the City and shall not be used by others without the express written permission of the City.
- k. This resolution shall be effective on the date adopted and supersedes prior resolutions on this issue. Further, the City Crime Commission shall be reconstituted as a separate commission.

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

Motion carried.

**CM-23-08. 2023 Boards and Commission Workplans.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to approve the Work Plans for the 2023 Calendar year for the following boards: Arts Board, Crime Commission, Environmental Citizens Commission, Historical Commission, Library Advisory Board, and Human Relations and Equity Commission.

Mayor Pro Tem Bliss reviewed the Arts Board workplan noting that it includes increasing visual arts in community; enhancing cultural community involvement; and facilitating performance arts.

Councilman Fleming reviewed Crime Commission workplan stating it includes community engagement through guest speakers and hosting a police townhall; holding a cyber-crime prevention seminar; expanding the bike rodeo; and having a police working dog presentation.

Councilor Rohrbach discussed the Environmental Citizen Committee workplan. She noted their plan includes sustainability and energy planning; continued promotion of natural environment and ecosystems; pollinator protection; and conducting resident and business education and awareness.

Mayor Pro Tem Bliss noted that the Historical Commission workplan includes experiencing Madison Heights through the historical rooms improvements; bringing awareness and recognition of past community leaders of Madison Heights; and preserving Madison Heights history through digitization.

Councilor Rohrbach stated that the Human Relations and Equity Commission's workplan includes continuing the monthly book club and develop opportunities for outreach to the community and in schools; advise Council on diversity and inclusion issues as opportunities arise; participate in Juneteenth in a meaningful way; and prepare and sell community cookbooks.

Councilwoman Aaron reviewed the Library Advisory Board workplan stating that it includes hosting a grand reopening celebration; holding a National Library Week gala fundraiser; promotion of library services and a Plan Speaker Series; and create opportunity for collaboration with other City board and commissions.

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

Motion carried.

## **COUNCIL COMMENTS:**

Councilwoman Aaron wished everyone a Happy New Year. She stated that she had a nice holiday and shared some of her personal highlights of the season. She stated that her biggest joy was to be able to help a family so they would not go without a Christmas. She stated that she does not make any New Year resolutions, but instead is making a personal strategic plan for her goals. Everything she does in 2023 will be with intention and in support of her strategic plan. It is National Clean Off your desk day and National Law Enforcement Appreciation Day so thank you to all those that serve and know that she supports and appreciates them for their hard work. She expressed her condolences to Mayor Pro Tem Bliss on the passing of his grandmother.

Mayor Pro Tem Bliss congratulated all the firefighters honored this evening and gave a shout out to our law enforcement officers as well. He also thanked our board and commission members for all their work and for donating their time and talent to the City. He commented that it may be nice to give out awards to our board and commission members. He stated that this morning was his grandmother's funeral and noted that she is the reason his family has always been active in the community. She instilled a sense of volunteerism into his father and himself and he dedicated this meeting to his grandmother's memory.

Councilor Wright expressed condolences to Mayor Pro Tem Bliss and his family. He acknowledged all our law enforcement and thanked them for keeping us safe. He congratulated all the firefighters honored this evening. The City has some fine public safety employees that care about the community. He noted that the Active Adult Advisory Board does some awesome work including hosting a Thanksgiving and Christmas dinner as well as judging the holiday light competition. Kudos to them for the work being done. He commented that he is excited for HREC work and invited all to a Peace Vigil that is being held on January 16<sup>th</sup> at 6 p.m. at the gazebo. Let us focus on peace.

Assistant City Attorney Burns had no comments this evening.

City Manager Marsh encourage anyone with interest to apply to serve on any of the City boards and commissions. The next round of applicants will be considered in February and there are student seats as well. The deadline for the art contest to displaying your work at City Hall is January 27<sup>th</sup>. The Arts Board will be picking the pieces to be displayed. The Women's Club is accepting old tablets and cell phones. She noted the City is still seeking applicants for the Charter Revision Committee.

City Clerk Rottmann noted the next round of applicants for City boards and commissions will be considered in February. If you are interested in serving, please fill out an application on the City's website.

Councilor Rohrbach hopes everyone had a Happy Holiday and a wonderful New Year. Thank you to the firefighters and police officers on National Law Enforcement Appreciation Day. Thank you for what you do for our city. She expressed condolences to the family of Barbara Geraldts, a pillar of our community. Barbara Geraldts was a leader in every way and lead by example and with kindness and grace. She noted that donation in her honor would be accepted by the Women's Club. She invited everyone to a Martin Luther King Day Vigil and if you have an opportunity, do something good. Wednesday nights in February are the Coffee Concerts and they will be held at the Reserve at Red Run.

Councilman Fleming voiced his condolences to the Geraldts and Bliss families. He noted that he will attend the candlelight vigil. Our firefighters have done a great job and he thanked them for their service. January 20<sup>th</sup> is wear blue for National Trafficking Awareness Day. He commented that the requirement for Real ID has been postponed until February 2025.

Councilman Soltis stated his condolences to the Bliss family. Congratulations to the Fire Department on their awards this evening - they always do a fantastic job. He announced that he is scheduled to put on his second Child Abuse and Neglect report at the next council meeting.

Mayor Grafstein articulated her condolences to the Bliss and Geraldts families. Barb Geraldts will be missed. Barb Geraldts always had a kind word to say and really was a matriarch of this city; her heart goes out to the family. Thank you to all of our law enforcement officers for their services and our firefighters and please keep them in your prayers. Monday is the MLK vigil, and she is hoping for a good representation from both Council and the public. She stated Council has had discussions on Charter changes and the ability to cancel a meeting should it be necessary. She is requested that September 25<sup>th</sup> meeting be rescheduled due to Yom Kippur and stated that she wants our meeting calendar to also reflect the diversity of our city. The next meeting will be in the new Council Chambers on January 23<sup>rd</sup>.



## **ADJOURNMENT**

Having no further business, Mayor Grafstein adjourned the meeting at 8:36 p.m.

City Council Special Meeting  
Madison Heights, Michigan  
January 12, 2023

A City Council Special Meeting was held on Thursday, January 12, 2023 at 6:00 PM at Fire Station #1 Training Room, 31313 Brush St.

**PRESENT**

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

**ABSENT**

Councilman David Soltis

**OTHERS PRESENT**

City Manager Marsh  
City Attorney Sherman  
City Clerk Rottmann  
Community and Economic Development Director Tucker  
Finance Director Kunath  
Fire Chief Lelito  
Human Resources Director Mischak  
Library Director Verdun-Morris  
Deputy City Manager/Police Chief Haines  
Director of Public Services Almas

**MEETING OPEN TO THE PUBLIC:**

There were no members of the public wishing to speak.

**Strategic Plan 2024-2028**

Mayor Grafstein opened the Strategic Planning meeting and City Manager Marsh gave an overview of tonight's meeting agenda including presenting the financial forecast, top six goal areas, a review of the current strategic plan items and major projects that are already in the plans. Staff will also update Council on their departmental needs.

**Financial Forecast**

Ms. Marsh reviewed the City's financial forecast. She noted that two main issues affecting the City budget are housing and inflation. A housing downturn is expected for December 2023 and inflation is outpacing the ability of revenues from keeping up with the majority of our expenses.

### Strategic Areas of Focus

Based on a survey of City Council, the following is a ranking of the six strategic priorities:

Public Safety 4.67  
 Economic Development 4.17  
 Financial Stability and Efficient City Services 4.0  
 Quality of Life 3.5  
 Infrastructure/Capital Assets 3.33  
 Environmental Stability 1.33

City Manager Marsh reviewed the proposed Strategic Plan with Council. It was the consensus to keep Environmental Stability in the strategic areas of focus with the intent of incorporating environmental sustainability into each other areas of focus.

City Manager Marsh reviewed potential new positions within the City along with cost related to personnel. A discussion was had on the cost of returning some contracted services back as City personnel, including assessing, information technology, and building inspection/building official. It was the consensus to continue to evaluate roles and positions to see if the City can provide the services better, more efficiently and provide cost savings.

Discussion followed on recycling and trash carts including the cost of purchasing each type, the potential for grant funding and total estimated cost. It was the consensus to include recycling bins into the budget contingent upon the City obtaining both grants discussed.

Discussion was held on new parks projects and Council's direction was to continue funding special park projects.

Mayor Pro Tem Bliss spoke in favor of an additional lending library; increasing funding for special projects; incorporating a minimum City staff time to be included when working on a special event/program for a board or commission with anything over the minimum time billed to the group; and funding for digitization of historical documents.

Councilor Rohrbach spoke in favor of studying any steps that the City may be able to take to increase the safety of students at schools during times of high traffic volume.

Councilor Wright suggested more focus on providing warming stations and generators to those in need during power outages.

### Departmental Summaries

The following City Departments highlighted their areas of importance for the next fiscal year:

Department of Public Services - gave a presentation on what has been accomplished to date and new park features; upcoming projects; and conceptual ideas. Mr. Almas also noted that street lighting improvements are needed on Dequindre to improve traffic and pedestrian safety.

City Clerk – advised that the implementation of nine days of early voting as approved by Michigan voters in 2022 may cost approximately \$15,000 - \$20,000 per election. This number is very preliminary as the details of how the law will be enacted are forthcoming.

Police Department – as noted in the Strategic Plan, the HVAC unit replacement is needed.

Community and Economic Development Department – noted that the City is looking into a Streetscape Study with the goal of making the DDA more walkable and determining how we want it to look. Mr. Tucker also provided an update on the status of the Zoning Ordinance rewrite.

Next Steps

City Manager Marsh stated that these initiatives discussed this evening will be given to staff to create action items for the 2025 Fiscal Year Budget.

**ADJOURNMENT:**

Having no further business, Mayor Grafstein adjourned the meeting at 8:16 p.m.





## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 01/18/22

**PREPARED BY:** Greg Lelito, Fire Chief

**AGENDA ITEM CONTENT:** Amendment for Purchase of Fire Department Ambulance

**AGENDA ITEM SECTION:** Consent Agenda

**BUDGETED AMOUNT:** \$0

**FUNDS REQUESTED:** \$12,259.14

**FUND:** 101-336 Fire Department

**EXECUTIVE SUMMARY:**

On July 12, 2021; City Council approved the purchase of a 2021 Road Rescue Ambulance from Emergency Vehicles Plus for a total not to exceed \$274,927.80. This purchase price included a trade-in of our currently vehicle of \$15,000. The vehicle is now ready for delivery; however with credit for a requested change in build the city would only be gaining \$12,259.14 for trading in our vehicle. The Fire Department has requested to keep this vehicle as a backup.

**RECOMMENDATION:**

Staff and I recommend City Council approve the additional \$12,259.14 for a total purchase price of \$287,186.94 for the rescue ambulance from Emergency Vehicles Plus. Funds are available within the department for this purchase.



5/19/2021

Dear Madison Heights Fire Department,

Thank you for the opportunity to work with you on building an ambulance that will work in the service of the department. Please see the attached work order for the unit description as well as the options and features of the Road Rescue UltraMedic Type I Ford F550 4x4 diesel Ambulance, including Whelen Pioneer lights, two (2) one on each side of the cab roof at a 45-degree angle, and switching the Stryker Power Load System from the old unit to the new one. Also included is Madison Heights Fire Department paint scheme, graphics, a new Stryker Power Load cot, and lettering. **Please note, all pricing for all items on this unit are in accordance with HGAC pricing as negotiated between Road Rescue and HGAC.** The pricing for the unit desired is as follows;

2022 Road Rescue UltraMedic Ford F550 4x4 Type I Ambulance.....	\$304,027.80
Trade-in of Horton Medium duty ambulance.....	\$15,000.00
Ford GPC discount (requires active FIN code to apply).....	\$4,100.00
Pre-pay discount (50%-75% pre pay at time of order).....	<u>\$10,000.00</u>
Total.....	\$274,927.80

Terms; 10% deposit upon order IF prepay option is not selected, balance C.O.D. upon acceptance at delivery. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

Scott A. Schalow, Ambulance Sales Manager, Emergency Vehicles Plus, Holland, MI  
989-280-1898

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**INTEROFFICE**

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**MEMORANDUM**

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To: Melissa Marsh, City Manager

From: Greg Lelito, Fire Chief

Re: Power Load Purchase

Date: 1/11/23

CC: Amy Mischak, HR Director/Purchasing Coordinator

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In the 2023-24 fiscal year budget, \$37,000 has been requested to purchase a new Power Load system and the ProCare service plan from Stryker. This equipment is a system that lifts and lowers the cot into and out of the ambulance. The Power Load hydraulically lifts patients weighing up to 700 lbs. with the touch of a button. The Power Load is a proprietary system and is the only system that will work with our Stryker cots.

Early this month, Stryker informed us that a demo Power Load has come available at a discounted price. In addition, Stryker advised that a price increase will go into effect the first week of February for the Power Load and ProCare service plan. This opportunity to purchase the demo unit will save the City \$7,400, equating to a 23% savings.

Also, once the unit is purchased, we will be eligible to receive a Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP) grant, which will provide a \$5,505 reimbursement to the City.

Staff and I recommend taking advantage of the demo price and award the purchase of one Power Load lifting system from Stryker for \$31,387.28.

If you should have any questions or comments regarding this issue, I'd be happy to respond to them.



Power-LOAD New Truck

Quote Number: 10620646

Version: 2

Prepared For: MADISON HEIGHTS FIRE DEPT

Attn:

Quote Date: 01/09/2023

Expiration Date: 04/09/2023

Remit to: Stryker Medical

P.O. Box 93308

Chicago, IL 60673-3308

Rep: Jamie Smith

Email: jamie.smith@stryker.com

Phone Number:

Mobile: (269) 303-1257

Delivery Address		End User - Shipping - Billing		Bill To Account	
Name:	MADISON HEIGHTS FIRE DEPT	Name:	MADISON HEIGHTS FIRE DEPT	Name:	EMER VEHICLES PLUS
Account #:	1279453	Account #:	1279453	Account #:	1195357
Address:	31313 BRUSH ST	Address:	31313 BRUSH ST	Address:	670 E 16TH ST
	MADISON HEIGHTS		MADISON HEIGHTS		HOLLAND
	Michigan 48071-1847		Michigan 48071-1847		Michigan 49423-3738

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
1.0	639005550001	MTS POWER LOAD *INCLUDES FLOOR PLATE*	1	\$22,022.00	\$22,022.00
Equipment Total:					\$22,022.00

ProCare Products:

#	Product	Description	Qty	Sell Price	Total
2.1	76011PT	ProCare Power-LOAD Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel with battery coverage for MTS POWER LOAD *INCLUDES FLOOR PLATE*	1	\$9,090.00	\$9,090.00
ProCare Total:					\$9,090.00

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$275.28
Grand Total:	\$31,387.28


Prices: In effect for 30 days

Terms: Net 30 Days

# Powered loading system







## Reduce the risk of injuries when loading and unloading cots

Being an EMS worker is a demanding job, both physically and emotionally. The repetition of loading and unloading cots in and out of an ambulance day after day can take its toll on the body.

**Power-LOAD®**  
powered fastener system

## Injury reductions

**100%**

reduction in cot related injuries saved one service \$545,500 in 4.5 years.<sup>4</sup>

**99%**

of those surveyed agree our Powered System has made their job easier.<sup>5</sup>

Adverse cot events reduced

**96%**

by one service with the assistance of the Power-LOAD cot fastener system and Power-PRO XT cot.<sup>6</sup>

# 1 in 4

1 in 4 EMS workers will suffer a career ending back injury within their first four years in the field<sup>1</sup>. The number one cause – Lifting. Our Power-PRO XT powered ambulance cot utilizes a battery-powered hydraulic system effectively raising and lowering a cot at the touch of a button. Use of the Power-PRO XT has proven to reduce spinal loading, resulting in reduced injuries, lost or modified workdays and Workers' Compensation costs, and increased recruitment and retention.



**Power-PRO® XT**  
powered ambulance cot



**X-Restraint Package**  
Meets SAE J3027 dynamic  
crash test safety standards.

## Proven to save guarantee<sup>2,3</sup>

**100%** **reduction** in  
missed safety hooks

At Stryker we stand behind our products. For qualifying purchasers<sup>2</sup>, upon standardization, Stryker offers a program that guarantees at least a **50% reduction** in cot-related injuries pertaining to raising, lowering, loading and unloading cots and **100% reduction** in missed safety hooks while unloading cots with the Power-PRO and Power-LOAD in full power operation. If not, Stryker will refund the price paid for the Power-PRO cots and Power-LOAD cot fastening systems.<sup>3</sup>

**50%** **reduction**  
in cot related injuries

Specifications

Model Number	6506
Height <sup>1</sup> (infinite height positioning between lowest and highest position)	
Highest Position	41.5 in. (105 cm)
Lowest Position	14 in. (36 cm)
Length	
Standard	81 in. (206 cm)
Minimum	63 in. (160 cm)
Width	23 in. (58 cm)
Weight <sup>2</sup>	125 lb (57 kg)
Wheels	
Diameter	6 in. (15 cm)
Width	2 in. (5 cm)

<sup>1</sup> Height measured from bottom of mattress, at seat section, to ground level.  
<sup>2</sup> Cot is weighed with one battery pack, without mattress and restraints.  
<sup>3</sup> 700 lb weight capacity with an unassisted lift capacity of 500 lb (Cot loads over 300 lb (136 kg) may require additional assistance to meet the set cot load height).  
<sup>4</sup> Can accommodate load decks up to 36 in. Load height can be set between 26 in and 36 in.

Stryker reserves the right to change specifications without notice.  
The Power-PRO XT is designed to conform to the Federal Specification for the Star-of-Life Ambulance KKK-A-1822.  
The Power-PRO XT is designed to be compatible with competitive cot fastener systems.  
Meets dynamic crash standards with Power-LOAD cot fastening system (AS/NZS-4535, BS EN-1789 and SAE J3027 with X-restraints) and Performance-LOAD cot fastening system (SAE J3027 with X-restraints).  
Stryker Corporation or its divisions or other corporate affiliated entities own, use or have applied for the following trademarks or service marks: **Performance-LOAD, Power-LOAD, Power-PRO, Stryker**, . All other trademarks are trademarks of their respective owners or holder.  
The yellow and black color scheme is a registered trademark of Stryker Corporation

Articulation	
Backrest	0 – 73°
Shock Position	+ 15°
Optional Knee Gatch	30°
Maximum Weight Capacity <sup>3</sup>	700 lb (318 kg)
Minimum Operator Required	
Occupied Cot	2
Unoccupied Cot	1
Recommended Fastener System	
Power-LOAD	Model 6390
Floor Mount	Model 6370 or 6377
Wall Mount	Model 6371
Recommended Loading Height <sup>4</sup>	Up to 36 in (91 cm)

Power-LOAD®

Specifications

Model Number	6390
Length	
Overall length	95 in (241 cm)
Minimum length	89.5 in (228 cm)
Width	24.5 in (62 cm)
Weight	
Total weight	211.5 lb (96.5 kg)
Floor plate assembly	16.5 lb (7.5 kg)
Anchor assembly	23 lb (10.5 kg)
Transfer assembly	67 lb (30.5 kg)
Trolley assembly	105 lb (48 kg)

Maximum weight capacity*	700 lb (318 cm)
Minimum operator required	
Occupied cot	2
Unoccupied cot	1
Recommended loading height	22 in to 36 in (56 cm to 91 cm)
Battery	12 VDC, 5 Ah lead acid battery (6390-001-468)

Stryker Corporation or its divisions or other corporate affiliated entities own, use or have applied for the following trademarks or service marks: **Flex Financial, Performance-PRO, Power-LOAD, Power-PRO, ProCare, SMRT, Stryker**. All other trademarks are trademarks of their respective owners or holder.

\*Maximum weight capacity represents patient weight and assessories. Safe working load of 870 lb (395 kg) represents the sum of the cot total weight and patient.

The Power-LOAD Cot Fastener System is designed to conform to the Federal Specification for the Star-of-Life Ambulance KKK-A-1822.

1. Sanders, Mick J. (2011) Mosby’s Paramedic Textbook (4th ed., p. 36)  
2. Please contract your sales representative to see if you qualify for the EMS Guarantee.  
3. Subject to the terms and conditions of EMS proven to save.  
4.Reference: Stryker (2018). EMSStat – Norman Regional Health System Case Study (Case Study on Power-PRO XT cots and Power-LOAD cot fastening systems). Retrieved from: <http://ems.stryker.com>  
5 Reference: Stryker. (2012). Superior Ambulance Case Study [Case Study on Power-PRO XT cots]. Retrieved from: <http://ems.stryker.com>  
6.Emergency Medical Services Authority. (2015). Risk Reduction Success Story: Utilization of the Stryker Power-LOAD Cot Fastener System in the EMSA System. Tulsa, Oklahoma and Oklahoma City, Oklahoma: Emergency Medical Services Authority. \*Data provided by EMSA



**Office Safety Plan (Axon/Taser International)**

Member electing to purchase a bundle of products (Tasers, body cameras, data storage) under the Officer Safety Plan through Axon can apply for funding using the following formulas to determine cost sharing. (5/10/19)

Body Cameras – \$250 per camera.

Tasers - \$500 multiplied by the number of officers/units purchased. ( $\$500 \times 10 = \$5,000$ )

Data Storage – 50% up to a maximum of \$50,000

**Passenger Surveillance Cameras**

50% up to \$1,500 per vehicle with a maximum of 10 vehicles per member. Funding is limited to retrofitting existing fleet vehicles only. New vehicle purchases do not qualify for funding. (7/1/16)

**Power DMS Policy Management**

50% funding up to \$10,000 per member for initial funding of first year implementation costs.

Continuation/subscription fees are not eligible. Funding is one-time only. (6/3/20)

**Power Load Systems**

25% funding up to a maximum of \$25,000 per member. Does not include funding for power cots. (6/3/20)

**Pre Plan Software**

Computer software for pre-emergency site planning, hazardous materials identification, and MIOSHA Firefighter Right-to-Know compliance.

50% funding up to \$10,000 and an aggregate maximum of 10 software licenses. (5/18/12)

**Prisoner Restraint Chair or Board**

50% up to \$1,000 per unit. (8/14/13)

**Reality Based Training Equipment**

50% up to a maximum of \$3,500 for safety equipment and conversion gun equipment. (5/22/08)

**SCADA Control System Software**

50% funding up to \$7,000 per site with a maximum per member aggregate of \$30,000. (8/14/13)

**Sewer Cameras**

50% up to a maximum of \$20,000 in aggregate funding per member. Aggregate limits will be replenished on a 10-year rolling basis. Grants older than 10 years will drop from the aggregate total. Contact Risk Control for additional information.

Member must carry sewer coverage with MMRMA to be eligible for funding. (7/1/16)

**Stop Sticks**

50% up to a maximum of percentage of fleet units per member with maximum funding of \$2,250, regardless of the size or type of unit purchased. Although no price maximum was set, the average cost of a typical tire deflation device is between \$400 and \$600. (2/17/05)



## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 1/23/23

**PREPARED BY:** Greg Lelito

**AGENDA ITEM CONTENT:** Fire Department - Power Load

**AGENDA ITEM SECTION:** Bid Awards/Purchases

**BUDGETED AMOUNT:**

**FUNDS REQUESTED:** \$31,387.28

**FUND:**

**EXECUTIVE SUMMARY:**

**RECOMMENDATION:**





## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** 1/23/23

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

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

**AGENDA ITEM SECTION:** Ordinances

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

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

**RECOMMENDATION:**

Presented for Council consideration is the proposed IDEP ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2192. This ordinance as written has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal. Staff recommends that Council approve Ordinance 2192 on first reading, and schedule the second reading for February 13, 2023.

**MEMORANDUM**

Item 9.

**DATE:** January 17, 2023

**TO:** Melissa R. Marsh, City Manager

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

**SUBJECT:** Ordinance – Illicit Discharge Elimination Plan (IDEP)

---

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

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

Presented for Council consideration is the proposed IDEP ordinance, to be added to the City of Madison Heights Code of Ordinances, numbered 2192. This ordinance as written has been reviewed by EGLE, DLZ (the City's stormwater consultant), and Legal. Staff recommends that Council approve Ordinance 2192 on first reading, and schedule the second reading for February 13, 2023.

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**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. 2192CITY OF MADISON HEIGHTS,  
OAKLAND COUNTY, MICHIGAN

## AMENDMENT TO THE CODE OF ORDINANCES

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

## THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

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

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

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

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

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

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

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

**City** means the City of Madison Heights.

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

**County** means the County of Oakland.

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

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

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

**Illicit connections** mean either of the following:

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

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

**MS4** means a municipal separate storm sewer system.

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

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

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

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

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

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

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

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

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

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



C. Exclusion of stormwater from sanitary sewers:

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

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

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

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

G. Discharge Prohibitions:

(1) Prohibition of illegal discharges.

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

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

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

(2) Prohibition of illicit connections.

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

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

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

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

I. Suspension of Storm Sewer System Access:

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

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

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

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

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

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

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

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

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

**O. Enforcement:**

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

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

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

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

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

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

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

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

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

V. Criminal Prosecution:

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

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

**Section 2.**

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



**Section 3.**

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

**Section 4.**

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

**Section 5.**

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

**Section 6.**

A copy of this ordinance may be inspected or purchased at the City Clerk's office at 300 West Thirteen Mile Road, Madison Heights, Michigan, between the hours of 8:00 a.m. and 11:30 a.m. and between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.