

DATE: October 9, 2024

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments - Regular Council Meeting of Monday, October 14, 2024

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The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, October 14, 2024.

**PRESENTATIONS**

**PROCLAMATION DECLARING HISPANIC HERITAGE MONTH**

The City Council is scheduled to declare September 15 – October 15 as Hispanic Heritage Month. The Mexican Consulate will be present to accept the proclamation.

**CONSENT AGENDA:**

**RECOMMENDATION TO REMOVE MEMBER FROM THE ARTS BOARD**

The Arts Board recommended the removal of Ahna Basler due to lack of attendance.

**DIRECTOR OF PUBLIC SERVICES - RECREATION MASTER PLAN**

The City's five-year Recreation Master Plan expires soon. Additionally, due to the aggressive pursuit of grants and substantial general fund monies, the majority of the items identified in the current plan have been completed or are in progress.

This master plan must be in place to be considered for grants through the Michigan Department of Natural Resources. As proposed, this plan development is also committed to community engagement to ensure that staff know what our residents desire from Parks and recreation facilities and services in the community.

An RFP was issued for recreation planning services, and three companies responded by the deadline, with Fleis and Vandenbrink being the best value for money, the most comprehensive, and the most detailed public engagement commitment. They provided high public input and ongoing communication with staff throughout the development process. We anticipate having our Parks and Recreation Commission involved in this process, all quality-of-life boards and commissions, and a special focus on youth input.

Staff, therefore, recommends that the Council award the proposal through the consent agenda for the Recreation Master Plan to Fleis and Vandenbrink of Farmington Hills in the amount of \$24,000. Funding is budgeted and available.

## DIRECTOR OF PUBLIC SERVICES - CHANGE ORDER - LANDSCAPING WORK

In the spring of 2024, the City's mowing and landscape maintenance contract was awarded to the lowest successful bidder, Green Meadows Landscape of Rochester Hills. At our request, to mitigate a long-standing issue, the City's consulting engineering firm Nowak and Fraus designed a landscape plan for the 14 and John R island which would be aesthetically pleasing, relatively low maintenance, create a safer environment by encouraging pedestrians to use the existing sidewalk and enhance the city's new gateway signage. As they are already under contract, familiar with the area and its issues, and providing excellent work to the City, staff reached out to Green Meadows to gauge their ability to perform this landscaping work. After several site visits and measurements, Green Meadows provided the City with a significantly lower quote than the engineer's estimate.

Quality Roots has made funding available for the restoration of 14 and John R. Island, including the landscaping work and the purchase and installation of the gateway signage, once final approval is granted by RCOC.

As Green Meadows is the City's current low bidder for mowing and landscaping services, and funding for the restoration of the 14 and John R island is available, Staff recommends that the Council authorize the City Manager through the consent agenda to accept the landscaping plan quote as presented by Green Meadows, in a project amount of \$33,262.

## INDIGENOUS PEOPLE'S DAY RESOLUTION

City Council is scheduled to declare the second Monday, October 14th, as Indigenous People's Day in Madison Heights.

## **REPORTS:**

### DTE RELIABILITY REPORT SUMMARY

Based on reoccurring issues with electricity reliability in the city, staff has been engaging with DTE representatives to understand the issues and find possible solutions. City Council approved the city's joining the Michigan Municipal Association for Utility Issues, which has served to provide testimony on our behalf in DTE rate cases and review of proposed increases. They are also instrumental in getting data on our reliability throughout the City, which has assisted with discussions with DTE staff and engineers about plans and needs. Staff has met with DTE representatives and regional engineering staff and specifically asked about what is causing the outages in Madison Heights. When it is storm damage, the problem is overwhelmingly caused by trees or branches falling on the lines; they expressed issues with trimming private property trees, including residents having the ability to refuse a trim outside their DTE row, which is 15' from the electrical line. They discussed the tree trimming plan, the new online activity tracker, modernizing equipment, creating resiliency and redundancy,

and the need to increase money for capital improvements. We are receiving updated reliability reports to help facilitate ongoing discussions with DTE.

## RESOLUTION TO OPT OUT OF PUBLIC ACT 152

Public Act 152, as amended, limits the amount that public employers pay toward employee medical benefit plans beginning January 1, 2012. The 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 the City Council provide for 10% employee premium sharing, the Council is requested to opt out of PA 152 as allowable under that statute.

Staff recommends that the Council adopt the Resolution to Opt-Out of PA 152 as presented.

### **BID AWARDS/PURCHASES:**

#### ENERGY FUTURE GRANT PROJECT MANAGEMENT AND TECHNICAL SERVICES PROPOSAL

In the fall of 2023, Energy Sciences was engaged in developing the City of Madison Heights' Sustainability Plan when we learned of a federally funded grant opportunity from the U.S. Department of Energy (DOE). We requested Energy Sciences to shift their focus to assist Madison Heights, in collaboration with Ferndale, Oak Park, and the Lamphere School District, in applying for the DOE Energy Future Grant (EFG). In April 2024, our project, "Evolve: A Regional Decarbonization Plan for Southeast Oakland County," was selected by the DOE as one of only forty projects nationwide—and two in Michigan—to receive funding.

Energy Sciences will continue to support us throughout the award negotiation process, including drafting necessary technical documents and ensuring compliance with all requirements. As the primary contractor and overall project manager, Energy Sciences will facilitate seamless coordination among the City and the various jurisdictions, ensuring effective stakeholder engagement throughout the project.

Since Madison Heights is leading this initiative and is the recipient of the \$500,000 EFG, we recommend that the City approve the Energy Futures Grant Project Management and Technical Services Proposal from Energy Sciences for a total not to exceed \$500,000, given their involvement they are the only contractor that can manage this project.

Therefore, the staff recommends that the City Council make two motions:

1. Motion to amend the budget for Federal Grant Revenues 101-021-528-5288 and Contractual Services Expenses – Federal 101-265-818-0044 both by \$500,000. This will need to be approved by a supermajority of City Council
2. Motion to approve a contract with Energy Sciences Resource Partners, LLC for Energy Futures Grant Project Management and Technical Services for a total not to exceed \$500,000.

#### DIRECTOR OF PUBLIC SERVICES - POLICE DEPARTMENT HVAC REPLACEMENT, PHASE 2

In the FY 2023 Budget, funding was included for the replacement of the HVAC system at the Police Department. A single bid was received by the deadline and was significantly higher than the budgeted amount, resulting in a phased replacement plan. Phase 1 involves the replacement of the rooftop air handlers, radiant heaters in the security garage, HVAC unit for the tunnel, integration of a digital control system, and engineering for the future. Phase 2 has recently been completed.

As Phase 1 was undertaken, additional funds were programmed in the budget for a future Phase 2. Staff also applied for a grant from State Representative Mike McFall to help us complete the project more timely and mitigate the impact on the General Fund. We were awarded this grant for \$500,000 which will complete the Police Department HVAC project.

Staff, therefore recommends that the Council consider two motions:

1. To approve a Budget Amendment in the amount of \$500,000 to both 101-301-987-0000 and 101-023-569-5766 State Grant revenue reflecting the awarded grant funds .
2. To award the Police Department HVAC Replacement, Phase 2 to Denny’s Heating and Cooling of Troy, in the amount of \$611,815. This represents the base cost, acceptance of the option to replace the 8 rooftop fans, and an allowance to replace the broken and worn diffusers. Funding is budgeted and available.

#### **ORDINANCES:**

##### CED DIRECTOR - ZONING TEXT AMENDMENT ZTA 24-01 [ORDINANCE 2022] - ACCESSORY BUILDINGS, STRUCTURES, AND USES - FIRST READING

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement.

This amendment relates to Accessory Buildings, Structures, and Uses – pertaining to the regulation of small gazebos, pergolas, and utility structures (e.g., exterior air conditioner units). The Planning Commission recommended approval of the proposed text amendment at their September 17th, 2024, meeting.

Specifically, due to the ten-foot building setback requirement, gazebos, pergolas, and other unenclosed patio covers need to be physically attached to the main house as a building addition or be located ten feet from the house. To provide more flexibility for homeowners and reduce the need for future variances, this amendment exempts small unenclosed accessory structures such as gazebos and pergolas from the building setback requirement; such structures would still be subject to other accessory structure standards, such as minimum yard setbacks, height, and lot coverage.

Based on the Planning Commission's recommendation, staff recommends that the City Council approve ordinance # 2022 (ZTA 24-01) upon the first reading and schedule the second and final reading for the October 28th, 2024, City Council meeting.

CED DIRECTOR - ZONING TEXT AMENDMENT ZTA 24-02 [ORDINANCE 2023] - USE SPECIFIC STANDARDS FOR DETACHED ONE-FAMILY DWELLINGS [DRIVEWAYS] - FIRST READING

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement.

This amendment relates to the overall width of a residential driveway to the garage door's width (outer edges). Since adopting the new Zoning Ordinance, staff has received several requests for slightly wider driveways to accommodate larger vehicles and provide the ability to step out from a vehicle without stepping onto grass. The existing driveway width limitation intends to ensure that front yards are not entirely inundated with pavement, which can lead to poor pedestrian environments and unsightly appearances. The existing ordinance language limits the width of a driveway at the property line to 12 feet for detached garages and 20 feet for attached garages but allows a driveway to taper/widen to the outer edges of the garage door. Staff acknowledges that a modest additional width beyond the edges of the garage door (18 inches) would allow for the storage of larger vehicles and provide for a paved area in which to step out from the vehicle without compromising the general intent of the width limitation.

Based on the Planning Commission's recommendation, staff recommends that the City Council approve ordinance #2023 (ZTA 24-02) upon the first reading and schedule the second and final reading for the October 28th, 2024, City Council meeting.

CED DIRECTOR - ZONING TEXT AMENDMENT ZTA 24-03 [ORDINANCE 2024] - USE SPECIFIC STANDARDS FOR TEMPORARY USES - FIRST READING

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement.

Specifically, this amendments to Use Specific Standards related to Temporary Uses – pertaining to recurring special events. The Planning Commission recommended approval of the proposed text amendment at their September 17th, 2024 meeting.

The Zoning Ordinance currently contains provisions for temporary uses and divides them into three general categories: temporary outdoor displays/sales, seasonal sales lots, and special events. Since the Ordinance's adoption, staff has received several requests for weekly cornhole tournaments in the parking lots of bars and restaurants. While this type of recurring event most appropriately fits into the “special events” category, the current language limits properties to three (3) special events per calendar year, with a fourteen (14) day gap between events.

When drafted, the original intent of the “special event” category was to accommodate larger events such as fairs and carnivals. In its application, the current language would only permit restaurants to hold three recurring events per year, separated by fourteen days; this is restrictive and inhibits the ability for restaurants and bars to hold unique recurring events such as cornhole tournaments, farmers markets, craft markets, etc. To allow more flexibility to business owners and allow for more active and unique events throughout the community, staff recommends adding a “recurring event” provision to the Special Events category, allowing business owners/property owners to hold a recurring event (1-2 consecutive days each) up to a total of ten (10) days per calendar year. A recurring event could be applied for under a single special event permit, which would count toward the total number of special events allotted per year.

An additional minor modification clarifies that if the applicant for a temporary use permit is not the property owner, they shall provide a signed letter of authorization from the property owner with the application.

Based on the Planning Commission’s recommendation, staff recommends that the City Council approve ordinance #2024 (ZTA 24-03) upon the first reading and schedule the second and final reading for the October 28th, 2024, City Council meeting.

CED DIRECTOR - ZONING TEXT AMENDMENT ZTA 24-04 [ORDINANCE 2025] -  
MEASUREMENT OF SIGN AREA AND HEIGHT AND REGULATIONS FOR PERMITTED SIGNS  
[WALL SIGNS] - FIRST READING

Madison Heights City Council adopted the new Zoning Ordinance on May 13th, 2024. Since going into effect, staff has encountered several ordinance sections that could benefit from clarification or refinement.

Specifically, amendments are being proposed to the measurement and allowances for wall signs. The Planning Commission recommended approval of the proposed text amendment at their September 17th, 2024 meeting.

Section 12.06 – Measurement of Sign Area and Height – and Section 12.07 – Regulations for Permitted Signs – contain definitions and calculations pertaining to the measurement of wall signs, as well as the various wall sign allowances per zoning district. The existing language splits wall sign allowances into the categories of “street-facing facades” and “non-street-facing

facades,” with greater bonus allowances for street-facing facades. While these categories work for many properties/buildings in Madison Heights, there are certain buildings within the City whose main building entrances do not face a street, and several properties that do not have street frontage at all. In order to adequately allocate wall signage allowances and to avoid the need for variances, staff recommends recategorizing building facades into “primary facades” and “secondary facades.” Primary facades would include any façade that fronts a public street or any façade that serves as a main entrance to a building or tenant space, regardless of street frontage. Secondary facades would include any other façade, typically along the side or rear of a building. The existing language provides a bonus wall sign area allowance for tenants with street-fronting facades over 200 feet. Staff proposes changing this bonus allowance to apply to primary façade lengths, even those not fronting a street, in excess of 200 feet. Staff also proposes to extend this bonus allowance to buildings/tenants whose primary façade is greater than 150 feet from the right-of-way line of the adjacent street to allow for greater visibility.

Based on the Planning Commission’s recommendation, staff recommends that the City Council approve ordinance #2024 (ZTA 24-03) upon the first reading and schedule the second and final reading for the October 28th, 2024, City Council meeting.