

DATE: July 09, 2026
TO: City Council
FROM: Melissa R. Marsh, City Manager
SUBJECT: Agenda Comments Regular Council Meeting of Monday, July 13, 2026

CONSENT AGENDA:

Police Chief – CLEMIS Participation

CLEMIS has served Oakland County courts and public safety agencies for decades by providing a shared technology platform that allows fire departments and law enforcement agencies to access, share, and manage critical public safety information. The attached Participation Agreement authorizes the City of Madison Heights to continue participating in the Courts and Law Enforcement Management Information System (CLEMIS) under a newly established CLEMIS Authority.

Police Chief Brent LeMerise recommends City Council approve the CLEMIS Participation Agreement as presented.

Court Administrator – CLEMIS Participation

CLEMIS has served Oakland County courts and public safety agencies for decades by providing a shared technology platform that allows courts to access, share, and manage critical public safety information. The attached Participation Agreement authorizes the 43rd District Court – Madison Heights to continue participating in the Courts and Law Enforcement Management Information System (CLEMIS) under a newly established CLEMIS Authority.

Sharon Arseneault, Court Administrator for the 43rd District Court – Madison Heights recommends City Council approve the CLEMIS Participation Agreement as presented.

Director of Public Services - Scheduled Replacement of Vehicle #477

The fiscal year 2026/27 budget includes funding for the scheduled replacement of vehicle #477, a 2014 GMC Sierra pickup truck, funded through the Parks division. This is one of the DPS front-line general utility and snowplowing trucks, and is heavily utilized throughout the year. The truck is now 12 years of age, and presents with a “poor” condition analysis score of 30, warranting priority replacement.

Staff requests that Council approve the purchase of one 2026 GMC Sierra 2500 HD pickup truck in the amount of \$49,202 with options as quoted, from Todd Wenzel Buick GMC of Westland, through the MiDeal cooperative purchasing agreement.

Director of Public Services - Contract Extension - HydroCorp

HydroCorp, formerly HydroDesigns has administered the City's EGLE-mandated cross-connection control program for the last twenty years, handling the initial drafting of the plan, prioritization and physical inspections and reinspections of properties, and tracking and submission of all necessary data to the State. This service was recently rebid to include additional scope items which were not in the previous contract; the sole responsive bidder was once again HydroCorp.

Pursuant to the terms of the current approved agreement, which expires June 30, HydroCorp is amenable to a 1 year extension with a 4% increase.

Staff recommends that Council approve a 1-year extension with HydroCorp, of Troy, and authorize the Director of Public Services to sign on behalf of the City.

City Manager - Fire Chief KEIP Employment Agreement - Second Amendment

The KEIP agreement between Fire Chief Lelito and the City of Madison Heights expires September 30 2026. However, due to staff vacancies we are asking to extend this agreement for three months until the end of the calendar year. This does not increase cost to the department.

Staff recommends that City Council approve the Second Amendment to the Fire Chief Employment Agreement to extend this agreement until December 31, 2026.

Michigan Employees' Retirement System (MERS) - Delegate and Alternate to Annual Meeting

City Council is requested to appoint Cheryl Rottmann as Officer Delegate and Betsy Burnell as Officer Alternate to attend the 80th Annual MERS Meeting on October 8-9 at the Amway Grand in Grand Rapids.

Staff recommends that City Council appoint Cheryl Rottmann as Officer Delegate and Betsy Burnel as Officer Alternate to attend the 80th Annual MERS Meeting on October 8-9 at the Amway Grand, Grand Rapids, Michigan.

Appointment of Christopher Molencupp to the Planning Commission - Mayor's Appointment

The Mayor has requested the appointment of Christopher Molencupp to the Planning Commission with a term ending 8/31/29.

If Council concurs, the appropriate motion would be to concur with the Mayor's recommendations and approve the appointment of Christopher Molencupp to the Planning Commission with a term ending August 31, 2029.

REPORTS:

City Planner - Rezoning with Conditions Request - PRZN 26-01 – 31075 John R Road - B1 to B- 2

The applicant, Smokin' Bear Tobacco, on behalf of the property owner, South Lyon Company, LLC, requests to rezone one (1) parcel of land located at 31075 John R Road (TM# 44-25-02-478-021) from B-1, Neighborhood Business District, to B-2, Community Business District. The subject parcel is approximately 1.52 acres in size and is improved with a 17,000 square foot multi-unit retail commercial building. The property is located on the west side of John R Road just north of 13 Mile and is located just to the east of the Madison Heights City Hall/Library/Active Adult Center complex. The applicant requests a Rezoning with Conditions under the provisions of Section 15.07.3.C of the Madison Heights Zoning Ordinance and has voluntarily offered a list of conditions that would apply to the rezoning.

At their June 15th, 2026 meeting, the Planning Commission recommended City Council deny the rezoning based upon the following findings:

1. The Planning Commission held a public hearing on June 15th, 2026 on the requested Rezoning with Conditions application and a proposed amendment to the City's Zoning Map.
2. The applicant voluntarily proposed a number of conditions to the requested B-2 rezoning, which are attached in the document entitled "Supplement to Rezoning Application.
3. The proposed Rezoning with Conditions does not satisfy the review criteria for a Rezoning with Conditions request as contained in Section 15.07.3.C(3) of the Madison Heights Zoning Ordinance. In particular, the Planning Commission finds that the conditions voluntarily offered by the applicant fail to satisfactorily address the following Zoning Ordinance standards:
 - a. The proposed rezoning conditions do not further the goals and objectives of the City Master Plan, particularly with regards to objectives related to Community Character and future land use.
 - b. The proposed rezoning conditions do not result in an enhancement of the project area as compared to the existing zoning, as the rezoning's core intent is to allow for a use not presently permitted on the subject parcel.

- c. It is not in the public interest to grant the rezoning with conditions as the benefits of such proposal – the allowance of a tobacco/smoke shop – does not outweigh foreseeable detriments, including the proximity of said use from public facilities and parks.
 - d. The offered conditions are not likely to be enforceable as they are ambiguous with regards to their application to the remainder of the parcel, especially pertaining to permitted uses and dimensional standards.
 - e. The proposed conditions have the same general effect as a use variance in that the core intent of the conditions is to allow for a tobacco/smoke shop in one individual retail unit within a multi-unit retail building, with no further considerations for the remainder of the building or the remainder of the parcel.
4. The Planning Commission further cites the following issues with the voluntarily proposed conditions as reasons for denial:
- a. The conditions as proposed only apply to one retail space and are tied to one retail business owner (applicant). It is unclear as to which zoning conditions apply to the remainder of the parcel. Proposed conditions should run with the land unless explicitly stated otherwise within the proposed agreement and should not be applicable to only one individual.
 - b. The proposed conditions appear overly restrictive in that they require tobacco sales to take place from the individual unit and prohibit uses currently permitted by-right within the B-1 district.
 - c. The conditions do not present clear and enforceable standards that can be applied to the remainder of the parcel or applied to future redevelopment or building expansion.

Should Council **concur** with the Planning Commission's recommendation, Council would move that City Council deny the rezoning of 31075 John R Road (parcel #44-25-02-478-021) from B-1, Neighborhood Business, to B-2, Community Business district – Case PRZN #26-01 - with conditions voluntarily proposed by the applicant based upon the following findings:

1. The Planning Commission held a public hearing on June 15th, 2026 on the requested Rezoning with Conditions application and a proposed amendment to the City's Zoning Map. After the public hearing, the Planning Commission moved to recommend denial of the requested Rezoning with Conditions.

2. The applicant voluntarily proposed a number of conditions to the requested B-2 rezoning which were presented to City Council in the document entitled Rezoning with Conditions Agreement.
3. The proposed Rezoning with Conditions does not satisfy the review criteria for a Rezoning with Conditions request as contained in Section 15.07.3.C(3) of the Madison Heights Zoning Ordinance. In particular, the Planning Commission finds that the conditions voluntarily offered by the applicant fail to satisfactorily address the following Zoning Ordinance standards:
 - a. The proposed rezoning conditions do not further the goals and objectives of the City Master Plan, particularly with regards to objectives related to community character and future land use and their compatibility with the use-specific standards and separation requirements for tobacco/smoke shops.
 - b. The proposed rezoning conditions do not result in an enhancement of the project area as compared to the existing zoning, as the rezoning's core intent is to allow for a use not presently permitted on the subject parcel, with said use not providing a noted value to the neighborhood.
 - c. It is not in the public interest to grant the rezoning with conditions as the benefits of such proposal – the allowance of a tobacco/smoke shop – does not outweigh foreseeable detriments, including the proximity of said use from public facilities and parks.
 - d. The offered conditions are not likely to be enforceable as they are ambiguous with regards to their application to the remainder of the parcel, especially pertaining to permitted uses and dimensional standards.
 - e. The proposed conditions have the same general effect as a use variance, which are not permitted in City, in that the core intent of the conditions is to allow for a tobacco/smoke shop in one individual retail unit within a multi-unit retail building, with no further considerations for the remainder of the building or the remainder of the parcel.
4. City Council further cites the following issues with the voluntarily proposed conditions as reasons for denial:
 - a. The conditions as proposed only apply to one retail space and are tied to one retail business owner (applicant). Proposed conditions should run with the land unless

explicitly stated otherwise within the proposed agreement and should not be applicable to only one individual.

- b. The proposed conditions appear overly restrictive in that they require tobacco sales to take place from the individual unit and prohibit uses currently permitted by-right within the B1 district, which may hinder or restrict future economic development opportunities on the parcel
- c. The conditions do not present clear and enforceable standards that can be applied to the remainder of the parcel or applied to future redevelopment or building expansion, which may complicate future economic opportunity on the parcel.
- d. The rezoning does not invalidate separation requirements between tobacco/smoke shop and community facilities; therefore even with the rezoning, the use would not be permitted unless a variance is approved by ZBA. As such, to approve the rezoning would be contrary to the public interest as it is contrary to adopted ordinances.

Should Council **not concur** with the Planning Commission recommendation, the next step would be to PROCEED WITH FUTURE ORDINANCE READINGS and the appropriate motion would be to move that City Council direct staff to prepare a formal Ordinance for Rezoning for consideration at the next available City Council meeting related to the rezoning of 31075 John R Road (parcel #44-25-02-478- 021) from B-1, Neighborhood Business, to B-2, Community Business district – Case PRZN #26-01 - with conditions voluntarily proposed by the applicant as referenced in the Rezoning with Conditions Agreement, based upon the following findings:

- 1. The Planning Commission held a public hearing on June 15th, 2026 on the requested Rezoning with Conditions application and a proposed amendment to the City's Zoning Map.
- 2. The applicant voluntarily proposed a number of conditions to the requested B-2 rezoning, which are included in the document entitled "Rezoning with Conditions Agreement." These conditions shall be tied to the rezoning of the parcel.
- 3. The proposed rezoning conditions generally satisfy the review criteria for a Rezoning with Conditions request as contained in Section 15.07.3.C(3) of the Madison Heights Zoning Ordinance.
- 4. The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, special land use, or variance approvals.

5. Upon City Council approval, if granted, a formal Rezoning with Conditions agreement shall be executed between the City and the applicant and recorded in accordance with Section 15.07 of the Zoning Ordinance.

Director of Public Services - Scheduled Replacement of Chipper #406

The fiscal year 2026/27 budget includes accumulated funding for the scheduled replacement of brush chipper #406, a 2006 Bandit, funded through the Solid Waste division. At 20 years of service, this machine has a “poor” condition analysis score of 45, warranting priority replacement. After various demonstrations and prior experience with other machines, Staff believes that the unit provided by Vermeer will provide the best value to the City, and best serve the needs of the Department of Public Services.

Staff requests that Council approve the purchase of one Vermeer BC1800XL brush chipper in the amount of \$102,853 as quoted from Vermeer Midwest, of Fowlerville, through the Sourcewell purchasing cooperative.