

City Council Regular Meeting
Madison Heights, Michigan
October 10, 2022

A City Council Regular Meeting was held on Monday, October 10, 2022 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
City Attorney Larry Sherman
City Clerk Cheryl Rottmann

Mayor Pro Tem Bliss proceeded over a moment of silence in honor of Bill Dixon and the Pledge of Allegiance followed.

CM-22-286. Additions/Deletions.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to add Item 5A to the Consent Agenda, Tentative Agreement between the Police Command Officers Union and the City of Madison Heights.

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

Motion carried.

CM-22-287. Resolution Declaring the Second Monday in October as Indigenous Peoples Day in Madison Heights.

City Manager Marsh read the Resolution Declaring the Second Monday in October as Indigenous Peoples Day in Madison Heights.

**CM-22-288. Rezoning Request PRZN 22-03 [Ordinance No. 2187] - 29022
Stephenson Hwy. - Removal from Primary Caregiver Marihuana
Grow Overlay District, Second Reading.**

Mayor Grafstein opened the public hearing at 7:35 p.m.

Seeing no one wishing to speak, Mayor Grafstein closed the public hearing at 7:36 p.m.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve Ordinance No. 2187, PRZN 22-03, 29022 Stephenson Highway - Removal from Primary Caregiver Marihuana Grow Overlay District on Second Reading, as follows:

ORDINANCE NO. 2187

An ordinance to amend Ordinance Number 571, being an ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending the zoning map in connection therewith.

THE CITY OF MADISON HEIGHTS ORDAINS:

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

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

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

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

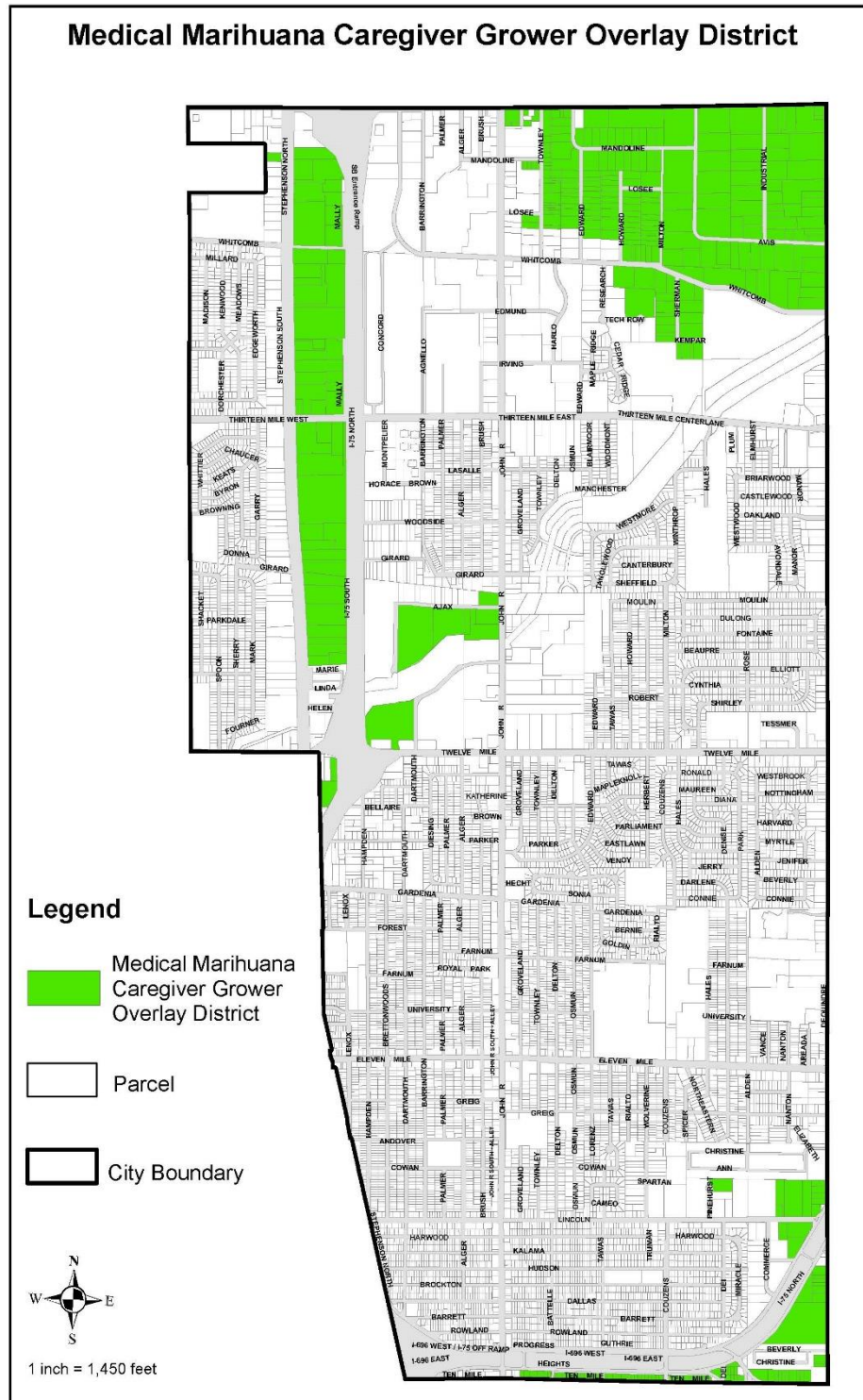
PIN 44-25-11-377-016. 29022 STEPHENSON HWY.

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

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

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

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



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

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

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

Motion carried.

MEETING OPEN TO THE PUBLIC:

Robert Noble, candidate for State Representative, introduced himself to Council and the residents of Madison Heights.

Martha Covert, resident, thanked Council for their donations to the Off the Trail fundraiser. She stated that our Council is involved and it is good to see.

Jennifer Zmarzlik expressed her opposition to Councilor Wright missing the last Council meeting.

CONSENT AGENDA:

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, 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-22-289. Proclamation Declaring Fire Prevention Week October 9th - 15th.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the 2022 Fire Prevention Week Proclamation.

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

Motion carried.

CM-22-290. City Council Regular Meeting Minutes of September 26, 2022.

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the Regular City Council meeting minutes of September 26, 2022, as printed.

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

Motion carried.

**CM-22-291. Tentative Contract between the Police Command Union and the City
of Madison Heights.**

Motion made by Councilor Rohrbach, Seconded by Councilwoman Aaron, to approve the
tentative contract between Police Command Union and the City of Madison Heights.

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

Motion carried.

CM-22-292. Resolution to Opt Out of PA 152.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to approve the
P.A. 152 Opt Out Resolution, as follows:

RESOLUTION TO OPT OUT OF PA 152

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

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

WHEREAS, those three options are as follows:

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

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

NOW, THEREFORE, BE IT RESOLVED, the Madison Heights City Council elects to
comply with the requirements of the Publicly Funded Health Insurance

Contribution Act by opting out of the cost-sharing model as set forth in PA 152.

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

Motion carried.

CM-22-293. Animal Control and Shelter Operations with Oakland County.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve the coordination with Oakland County Animal Control and Shelter effective November 1, 2022, for the City of Madison Heights.

Patrick Fanning, Oakland County Animal Control, was present to answer questions. In response to Councilman Fleming, he stated that licenses would be available through June at City Hall and online. If purchased online, the tags are mailed.

Substitute Motion

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to adopt the approve the coordination with Oakland County Animal Control and Shelter effective November 1, 2022 for the City of Madison Heights and utilize the savings of approximately \$2,500 annually to supplement resident's fees to Oakland County with a voucher program on a first-come, first-serve basis until depleted.

Vote on Substitute Motion:

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

Motion carried.

CM-22-294. Civic Center Playscape Grant/Purchase.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.

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

Motion carried.

CM-22-295 Civic Center Playscape Purchase.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92.

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

Motion carried.

**CM-22-296. Zoning Text Amendment ZTA 22-02 [Ordinance 2188] - Caregiver
Marihuana Grow Overlay District Amendment - First Reading.**

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Fleming, to adopt
Ordinance 2188, Zoning Text Amendment ZTA 22-02, Caregiver Marihuana Grow
Overlay District Amendment, on First Reading by name and title only, as follows, and
schedule a Second Reading on October 24, 2022:

ORDINANCE NO. 2188
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

ZONING TEXT AMENDMENT 22-02

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

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

Motion carried.

CM-22-297. Ordinance No. 2189, Stormwater Ordinance Update - First Reading.

Motion made by Councilwoman Aaron, Seconded by Councilor Wright, to adopt
Ordinance No. 2189, Stormwater Ordinance Update, on First Reading by name and title
only, as follows and schedule a Second Reading for October 24, 2022:

ORDINANCE NO. 2189
CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and
adopting a new Code of Ordinances for the City of Madison Heights,

Michigan by amending Chapter 29, Article V, Section 117 of the Code of Ordinances to provide a program for post construction stormwater management and modifying the current Chapter 29, Article V, Section 117, Ordinances in Conflict to Chapter 29, Article V, Section 118, Ordinances in Conflict.

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

Motion carried.

CM-22-298. Closed Session - Pending Litigation - *Jeffrey Brozich, Dec'd v City of Madison Heights*, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Motion made by Councilor Rohrbach, Seconded by Councilman Soltis, to enter into Closed Session to discuss Pending Litigation, *Jeffrey Brozich, Dec'd v City of Madison Heights*, which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:

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

Motion carried.

Mayor Grafstein recessed the Regular City Council meeting at 8:28 p.m.

Mayor Grafstein reconvened the Regular City Council meeting at 8:57 p.m.

CM-22-299. Pending Litigation - *Jeffrey Brozich, Dec'd v City of Madison Heights*.

Motion made by Councilor Rohrbach, seconded by Councilman Fleming, to approve the recommendation made by the City's Special Workers' Compensation Attorney in the Closed Session.

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 Indigenous Peoples Day. She stated that she is so glad 12 mile is open!

Mayor Pro Tem Bliss stated that Trail Tunes was a super fun time and noted that this year every musician that participated performed at a previous Trail Tunes event. It is a great, accessible event that brings music directly to the people and is not funded by taxpayer dollars. He read the list of

sponsors and thanked them and all of the volunteers for their contributions to making the event a success. He stated that Bill Dixon was a pillar in our community, a great supporter of the arts, and this is the 5-year anniversary of his death.

Councilor Wright thanked the Fire Department and Oakway communities that participated in Fire-Ops Training, noting it was terrific. Kudos to all the men and women for their team work and camaraderie. This is Fire Prevention Week, please check your smoke and carbon dioxide detectors. It is Breast Cancer Awareness Month, please make sure that you give to this great cause. He congratulated the newly elected board of Active Adult Advisory Board and expressed best of luck with their new adventure and commended them on their passion for the community. He wished his daughter, Sydney, a Happy Birthday. He stated that as you already know, he was not here at the last meeting and commented that he found his unexcused absence disheartening. He commented that the City needs to be more empathetic and encourage in the future to avoid meeting on religious holidays; this may require a need to look at the Charter. It is World Mental Health Day, check in on your neighbors and friends. Remember to be kind.

City Attorney Sherman stated that Tim Burns also participated in the Oakway Fire Ops Training and he thought it was a great event.

City Manager Marsh thanked the Fire Department and for participating in a job-shadowing program with local students and noted that the Police Department will also be doing so in a few weeks. She announced that the City is looking to feature residents and other artists art on our walls in City Hall. Please submit your art by emailing the City Manager's office. The Arts Board will be choosing the pieces to display, and she encouraged anyone interested to participate.

City Clerk Rottmann stated that absentee ballots are available at the City Clerk's office. Application are available online, in-person, or you can call the office. The City Clerk's office will be holding pop-up Election office hours on Tuesday, October 25th from 4:30 p.m. to 7 p.m. Come in and register to vote or get your absentee ballot.

Councilor Rohrbach stated that she is happy that 12 Mile Road is open and a new play structure at Rosie's Park is installed. DPS did a great job, it is beautiful. Congratulations to all those involved in Trail Tunes, she heard it was terrific and was sorry she missed it. Remember to vote. Happy Indigenous People Day, a day that is near and dear to her personally. She shared a story of her ancestors and noted that this land has a history that is far vaster and richer than is taught in our schools.

Councilman Fleming stated that he was not here at the last meeting due to his faith. He would like an opportunity to look at next year's schedule to see if there are any meetings that can be rescheduled due to conflicts with the religious holidays. He commented that he would like to have the Charter Commission examined the Council meeting requirements to improve flexibility. November is Men's Cancer Awareness Month and the Fire Department has t-shirts on sale until Friday. He requested a report on the cost of installation of sensory equipment at our parks, and on the potential for inclusion in the next budget cycle. He requested the City participate in the Oakland County Spongy Moth Program.

Councilman Soltis stated that his middle son is getting married this weekend and he is very proud of him and expressed his congratulations.

Mayor Grafstien expressed congratulations and commended the good work of Public Works Supervisor Ballantine and Assistant to the City Manager Owczarzak on obtaining grant funding

for the park playscape. This week is Fire Prevention Week and there will be an open house this Saturday from 10 a.m. to 2 p.m. here at Fire Station #1; it is a very fun event - bring your family. She stated that she loves the idea of art in the lobby of City Hall. She concurred with Councilman Fleming's comments on moving meetings due to religious holidays for the next year. The cyclocross event was a huge success and passed along the event organizers thanks to the City for their support. She also noted that they plan on making it an annual event. The next day was Trail Tunes and she commented that is a privately funded event. Please feel free to bring your event ideas to City Council. Today is World Mental Health Day, remember that you can't tell what is going on with someone by looking at them. October is Domestic Violence Awareness Month, keep your ears open. As parents and as a society, we need to teach our daughters and sons to recognize when someone is being manipulative and abusive. She shared a story of her neighbor having an outside Rosha Hashanah ceremony for her. She stated that she will never forget the feeling of welcome, community and good will. She thanked Councilwoman Aaron for asking what we can do to help honor the religious holiday and for hearing her say it is important that the non-Jewish Council members be present so that she and Councilman Fleming could be absent without concerns.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:59 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk