

DATE: May 3, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, May 9, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting of Monday, May 9, 2022.

P- PRESENTATIONS

NUMBER 1: 2022 NATIONAL PUBLIC WORKS WEEK

City Council is being requested to approve a proclamation declaring the week of May 15-21, 2022, as National Public Works Week. This proclamation recognizes the hard work performed by the men and women of our Department of Public Services and the contributions these employees make every day to our health, safety, comfort, and quality of life. This year's theme is Ready and Resilient, and we encourage our residents to acquaint themselves with our dedicated public works professionals in Madison Heights.

NUMBER 2: 2022 NATIONAL POLICE OFFICER'S MEMORIAL WEEK

City Council is being requested to proclaim May 15, 2022, as Police Officer's Memorial Day and May 15-21, 2022, as Police Week to recognize and remember all police officers who have died in the line of duty in this nation.

A- PUBLIC HEARINGS:

**NUMBER 1: SPECIAL USE PSP 22-03 – CADILLAC STRAITS BREWING COMPANY
AT 27651 JOHN R. ROAD**

Gordon Davignon d/b/a Cadillac Straits Brewing Company located at 27651 John R Road is requesting special use approval for an outdoor seating area associated with a brewery/restaurant that serves alcohol. The site is currently zoned B-3, General Business.

The project as proposed utilizes a portion of the private sidewalk in front of their business for permanent outdoor seating. The seating area is proposed on the east side of the building adjacent to the parking lot. Hours of operation for the outdoor seating area are proposed to match the brewery.

The Site Plan Review Committee (SPRC) reviewed the special use application and recommended City Council approve the request for special approval with the following requirements:

1. A minimum pedestrian pathway width of four (4) feet adjacent to the patio
2. A permanent enclosure around the outdoor seating area adjacent to the parking lot, such as metal railing, brick wall, bollards, or other suitable material subject to the approval of the City Planner.

NUMBER 2: PUBLIC HEARING FOR FY 2022 BUDGET RESOLUTION, TAX LEVY, AND FEE SCHEDULE

The FY 2023 Budget Workshop was held on April 18, 2022. This public hearing is scheduled to receive public comments on the Proposed Budget. Pursuant to Section 8.4 of the City's Charter, a resolution has been drafted which, if approved, will adopt the Proposed FY 2023 Budget, appropriate funds, establish the property tax levy, and approve several fee adjustments.

A tax millage decrease is proposed for FY 2023, and no increase for water and sewer rates. The City is currently conducting a rate study related to stormwater, with a recommendation expected later in the year.

Following the public hearing, staff and I recommend that Council approve the FY 2023 Budget Resolution, Tax Levy, and Fee schedule.

D - REPORTS:

NUMBER 1: DPS DIRECTOR – WEST NILE VIRUS ABATEMENT REIMBURSEMENT RESOLUTION

The City of Madison Heights is again eligible for reimbursement from Oakland County for project expenses related to our fight against West Nile Virus.

The Department of Public Services (DPS) will be sending out crews in mid-May to drop larvicide briquettes in each residential catch basin throughout the entire City. These briquettes, which last 180 days, prevent mosquito larva from maturing into adults, significantly reducing the summer mosquito population. Basins will be tested periodically to ensure that the larvicide is doing its job. DPS is also responsible for treating areas of standing water in the parks and commercial and industrial areas, such as stormwater retention and detention ponds and fountains, with larvicide monthly.

Staff and I recommend that Council approve the resolution to allow the City to receive reimbursement from Oakland County for \$3,573.07.

NUMBER 2: CITY ATTORNEY – OFFER TO PURCHASE 29448 JOHN R ROAD

On March 18, 2022, the City received an offer to purchase the Active Adult Center located at 29448 John R Road. This offer was the highest and best offer received through our broker, Larry Campbell of Century 21 Campbell Realty, Inc.

The economic terms of the Agreement include the purchase price of \$1.85 million. In addition, the City shall be permitted to remain in possession of the Active Adult Center from the date of Closing until August 31, 2023, to permit our residents to continue to utilize the facility unless sooner terminated by MMD per the Agreement.

The City Attorney and I recommend that City Council accept this offer. If Council concurs, appropriate action would be to accept the offer from MMD Acquisition, LLC and authorize the City Manager to execute the Offer to Purchase together with any and all necessary additional documentation.

F - BID AWARDS/PURCHASES:

NUMBER 1: DPS DIRECTOR – TREE TRIMMING AND REMOVAL SERVICES

Branch Tree Service of Warren has been the City's tree contractor for general trimming and removal services. They have proven to be a reputable and reliable firm during their tenure, providing an excellent quality of work on behalf of the City. Unfortunately, Branch informed us that with rising costs due to inflation, they were unable to continue at current pricing and were exercising the contract's cancellation clause.

In response, staff prepared an Invitation To Bid for Tree Trimming and Removal Services. Twenty-one vendors downloaded the bid documents, and two sealed bids were received by the deadline. Branch Tree Service and Limb Walkers Tree and Snow with Limb Walkers is the lowest responsible bidder.

Based on their pricing and positive reference checks, staff and I recommend that the Council award a three-year contract (with two one-year extension options) for DPS Tree Trimming and Removal Services to Limb Walkers Tree and Snow, of Avoca, Michigan, at the unit prices specified. Funding is budgeted and available.

G - ORDINANCES:

NUMBER 1: ORDINANCE 2181 MARIHUANA LICENSE SCORING AMENDMENT

At the April 25, 2022, City Council meeting, Ordinance 2181 was postponed until the meeting of May 9.

At the city's request, legal counsel has amended the medical marijuana license ordinance to allow the city to move forward with selecting an applicant for the city's remaining medical / adult-use co-located facility license. Pursuant to section 7-406(b) of the city's code of

ordinances, the Council may adopt a resolution to establish selection periods for accepting new applications for combined and co-located medical marihuana facilities and adult-use marihuana establishments where such licenses are available to be issued. At Council's direction, city staff is working to initiate a new application period for the remaining license for a combined and co-located medical marihuana and adult-use marihuana facility. The scoring and selection of such a facility according to section 7-408 of article xvii marihuana establishments shall be determined by the criteria provided in article xvi medical marihuana facilities section 7-308 (scoring and selecting applicants). This allows the selection process for a medical marihuana facility to be the same and combined with that of an adult-use license. The scoring for these applications to be valid must be followed as provided for under ordinance section 7-308 during the upcoming selection process.

The staff is recommending adjustments to the original scoring to improve the selection process based on lessons learned during the initial marihuana licensing applications. In order to make these scoring alterations, section 7-308 must be amended to legally incorporate such adjustments.

Based upon the approval of this amendment to section 7-308 and a resolution authorizing a new application period, the city can begin accepting and evaluating submissions for the last remaining provisioning/processing center medical marihuana/adult-use marihuana license.

If City Council chooses, Ordinance 2181 would be approved on the first reading with the second and final reading scheduled for May 23, 2022.

NUMBER 2: ORDINANCE 2182 MOBILE FOOD VENDORS

The proposed ordinance applies to mobile food vending on private property within the city (excluding food vending that operates under a special event permit) and creates three distinct approval processes: Mobile Food Site Approval, Mobile Food Court Approval, or Mobile Food Vendor Certificate of Occupancy.

In accordance with this ordinance, before a property could allow a mobile food truck vendor to operate on their property, the owner would need to submit a site plan approval for each mobile food site they intend to operate. In addition, when a mobile food truck vendor wishes to locate to this site as an accessory use, the mobile vendor would need to submit for a certificate of occupancy.

This ordinance also allows for Mobile Food Truck Courts as a principal use. This would require special use approval through City Council and a site plan approval. Food Trucks located in the court would require a mobile food truck certificate of occupancies.

The Planning Commission held a public hearing on the proposed text amendments at their April 19, 2022 meeting, and after the public hearing, the Planning Commission recommended approval of the proposed amendments with minor modifications. These modifications have been incorporated into the draft for City Council review.

Staff recommends that City Council approve the first reading and schedule the second and final reading for the next regular City Council meeting on May 23.

Agenda Comments

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