

City Council Regular Meeting
Madison Heights, Michigan
May 22, 2023

A City Council Regular Meeting was held on Monday, May 22, 2023 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

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

ABSENT

Councilwoman Toya Aaron

OTHERS PRESENT

City Manager Melissa Marsh
Assistant City Attorney Jeffrey Sherman
City Clerk Cheryl Rottmann

CM-23-118. Excuse Councilmember.

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to excuse Councilwoman Aaron from tonight's meeting.

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

Absent: Councilwoman Aaron

Motion carried.

Mayor Pro Tem Bliss gave the invocation and the Pledge of Allegiance followed.

PRESENTATIONS:

Police Department Commendation Awards

Chief Haines presented the following Police Department Commendation and Awards:

COMMAND OFFICER OF THE YEAR

David Koehler

POLICE OFFICER OF THE YEAR

Kyle Shock

POLICE SERVICE AIDE OF THE YEAR

David Thayer

COMMUNITY SERVICE (TORCH RUN)

Officer Justin Hartman

Officer Kyle Shock

PSA Michael Slomka

Officer Steven Workman

DEPARTMENT COMMENDATION

Officer Jeff Lewis

LIFESAVING AWARD

Officer Gunther Brieger

Officer Arnela Dizdarevic

Officer Rodriguez Johnson

Officer Kyle Shock

MERITORIOUS SERVICE AWARD

Sergeant Jordan Rieck

Detective Luris Karaj

POLICE RESERVE OFFICER OF THE YEAR

Reserve Officer Richard Harenski

Department Unit Citations

RECRUITMENT UNIT

Officer Chad Cook

Officer Arnela Dizdarevic

Officer Aaron Kowalski

Sergeant Jordan Rieck

Sergeant Shawn Scofield

Officer Kyle Shock

Officer Sarmad Talya

QUICK RESPONSE TEAM

Officer Thomas Baker

Officer Ashley Blevins-Howard

Officer Gunther Brieger

Officer Chad Cook

Officer Arnela Dizdarevic

Officer James Rayner

Sergeant Jordan Rieck

Officer Kyle Shock

Officer Sarmad Talya

Mayor Grafstein thanked all the officers and their families for their good work on behalf of the citizens of Madison Heights.

Proclamation Declaring June 2, 2023, as National Gun Violence Awareness Day in Madison Heights

City Manager Marsh stated that City Council is asked to proclamation Friday, June 2, 2023, to be National Gun Violence Awareness Day encouraging all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives. On behalf of Council, Mayor Grafstein presented the proclamation to Moms Demand Action representative Sarah Hall.

MEETING OPEN TO THE PUBLIC:

Martha Covert spoke in support of her experience attending the Four Steps to Racial Reconciliation. She stated that she was very impressed by how much she learned from the speakers and commented that we need to think of how we can progressively move forward and do things positively. She wished a Happy Birthday to Kevin Wright.

Paul Sanders asked for an explanation on the water and sewer rate changes. He expressed concern for young people and their ability to pay their water bill.

Deliza Lee commented that it was nice to see the Police Officers who got recognized tonight. She stated that she had a ride along last fall and was really impressed with how the officers interact with each other and work together as a unit.

City Manger Marsh stated that she has received several inquiries pertaining to the water bills and reviewed the new rate structure for the water/sewer billing. She showed comparisons on how the new rates apply to water usage compared to the previous rate structure and encouraged anyone with questions to reach out to her office or the Finance Department.

CM-23-119. Consent Agenda.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the Consent Agenda as read.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-120. Colleen Monaghan - Resignation from the Crime Commission.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to accept the resignation of Colleen Monaghan from the Crime Commission and declare the seat vacant.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-121. Recommendation to Remove Member from the Arts Board.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to accept the recommendation from the Arts Board to remove Amy Lewis from the board due to lack of attendance and declare the seat vacant.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-122. 2023 West Nile Virus Reimbursement Resolution.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the 2023 West Nile Virus Reimbursement Resolution, as follows:

RESOLUTION

WHEREAS, upon the recommendation of the Oakland County Executive, the Oakland County Board of Commissioners has established a West Nile Virus Fund Program to assist Oakland County cities, villages, and townships in addressing mosquito control activities; and

WHEREAS, Oakland County's West Nile Virus Fund Program authorizes Oakland County cities, villages, and townships to apply for reimbursement of eligible expenses incurred in connection with personal mosquito protection measures/activity, mosquito habitat eradication, mosquito larviciding or focused adult mosquito insecticide spraying in designated community green areas; and

WHEREAS, The City of Madison Heights of Oakland County, Michigan has incurred expenses in connection with mosquito control activities believed to be eligible for reimbursement under Oakland County's West Nile Virus Fund Program.

NOW THEREFORE BE IT RESOLVED, The Mayor and City Council of Madison Heights authorizes and directs its Utilities Supervisor, Chris Woodward, as agent for the City of Madison Heights, in the manner and to the extent provided under Oakland County Board of Commissioners 2023 Mosquito Smarts Program to request reimbursement of eligible mosquito control activity under Oakland County's West Nile Virus Fund Program.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-123. 2024-2026 CDBG Cooperation Agreement Resolution.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to adopt the resolution to renew the Cooperation Agreement between the City of Madison Heights and Oakland County, as follows:

RESOLUTION

WHEREAS, the City of Madison Heights participates in the Oakland County urban county Community Development Block Grant (CDBG) program, and its participation has resulted in approximately \$426,453 in funds for programs addressing the needs of low-income residents over the past three years;

WHEREAS, the participation of the City of Madison Heights and other cities, townships and villages in Oakland County is essential to achieve the highest level of federal funding for local projects throughout the county;

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) requires the County to renew its Cooperation Agreement with participating communities every three years;

THEREFORE, BE IT RESOLVED, that the City of Madison Heights City Council opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the program years 2024,2025, and 2026. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-124. Police Department Dispatch Floor Rehabilitation.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the contract with Frank Rewold and Sons, of Rochester, Michigan, for the Police Department Dispatch Floor Rehabilitation in an amount not to exceed \$30,000 to include repairs to the floating floor and carpet.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-125. Interlocal Agreement for the Joint Exercise of Police Authority and Powers in Designated Geographic Boundaries in the City of Royal Oak.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the Interlocal Agreement for the Joint Exercise of Police Authority and Powers in Designated Geographic Boundaries in the City of Royal Oak for MHPD to be able to enforce traffic violations.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-126. Service Towing Rate Increase.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the Service Towing rate increase, as proposed.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-127. Regular City Council Meeting Minutes of May 8, 2023.

Motion made by Councilor Rohrbach, Seconded by Councilor Wright, to approve the Regular City Council Meeting minutes of May 8, 2023, as printed.

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

Absent: Councilwoman Aaron

Motion carried.

Charter Study Group - Charter Amendment Proposals

Assistant City Attorney Jeff Sherman stated that he had the pleasure of working with the Charter Study Group (CSG) and introduced the members who were in attendance. He stated that the primary principle of the CSG was for things to work automatically and seamlessly. The second principle was simplicity. The CSG has proposed four recommendations for the Council's consideration tonight. He reviewed each proposal and noted that the CSG did not recommend a change to Charter Section 6.1; however, a City administration proposal for an amendment was included for consideration.

CM-23-128. Proposal 1, Amendment to Section 3.4, Election of Mayor; Mayor Pro Tem.

Motion made by Councilor Rohrbach, Seconded by Councilman Fleming, to approve Charter Proposal 1, to be included on the November 7, 2023 ballot, as follows:

PROPOSAL 1

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 3, Section 3.4 of the City Charter, titled “Election of Mayor; Mayor Pro Tem,” states as follows:

Section 3.4.-Election of Mayor; Mayor Pro Tem:

At each regular city election the mayoral candidate receiving the highest number of votes shall be deemed the duly elected Mayor of the City of Madison Heights. The Council, at its first meeting after such regular city election, shall designate one of their number to act as Mayor Pro Tem. Such selection shall be by an open ballot of a majority vote of the members of Council, including the Mayor, designating the Mayor Pro Tem. The Mayor and Mayor Pro Tem shall serve in that capacity until the next regular city election; provided, however, that each officer shall continue in office until his successor has been selected and sworn in. In the event of absence or disability of both Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as acting Mayor during such absence or disability.
(Amended November 6, 1985)

WHEREAS, the foregoing Charter section requires a council vote to elect the Mayor Pro Tem and provides for a lengthy sixty (60) day period for doing so, instead of providing for the immediate and automatic appointment of the Mayor Pro Tem;

NOW, THEREFORE, BE IT RESOLVED, that Chapter 3, Section 3.4 of the City Charter, titled “Election of Mayor; Mayor Pro Tem,” should be amended, in pertinent part, to state as follows:

Section 3.4. Election of Mayor; Mayor Pro Tem

After each regular city election, the mayoral candidate receiving the highest number of votes shall be deemed the duly elected Mayor of the City of Madison Heights. The Council, at its first meeting after such regular city election, shall designate the City Council member, receiving the highest number of votes at the regular city council

election, as Mayor Pro Tem. The Mayor and Mayor Pro Tem shall serve in that capacity until the next regular city election; provided, however, that each officer shall continue in office until his successor has been selected and sworn in. In the event of absence or disability of both Mayor and Mayor Pro Tem, the Council may designate one of its members, by an open ballot of a majority vote, to serve as acting Mayor during such absence or disability.

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 3.4 of the Madison Heights City Charter
(Mayor; Mayor Pro Tem) - Proposal No. 1

The proposed amendment states that the City Council shall appoint the City Council member, receiving the highest number of votes at the regular city election, as Mayor Pro Tem for the next two years, in place of the current provision that requires City Council to appoint a member of the Council as the Mayor Pro Tem. If approved, the revision takes effect with the 2025 regular city election and continues until otherwise amended.

Shall the proposed amendment to Section 3.4 be adopted?

☐ Yes

☐ No

BE IT FURTHER RESOLVED, that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

In response to Mayor Pro Tem Bliss' question, Assistant City Attorney Sherman stated that, if approved, Proposal 1 would take effect at the 2025 election. If the highest vote receiver declined the position, the position would go to the second highest vote getter.

Councilor Wright stated that he liked that the voters' voices would be heard.

Mayor Grafstein stated she still supports Council appointing the Mayor Pro Tem and if Council fails to do so, then the fall back would be to make an automatic appointment. She would like to

see the automatic appointment from the previous election so that the Council member had some experience before becoming Mayor Pro Tem.

Councilor Rohrbach stated that the will of CSG is that they would like to see the most recent election used in the selection because the things change in a two-year period. She also noted that the top voter getter usually is an incumbent. She stated that she agrees with CSG conclusion, and this would be a good change, despite the appointee possibly having a learning curve.

Mayor Pro Tem Bliss stated that the proposal didn't come back to Council as he originally envisioned it, but he likes the automatic appointment nature of the proposal. It automatically fills the role; and while he prefers appointing from the previous election, he will support the proposal as written.

Roll Call Vote:

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-129. Proposal 2, Amendment to City Charter Section 5.1, Officers, Qualifications.

Motion by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to approve Proposal 2 to be included on the November 7, 2023 ballot, as follows:

PROPOSAL 2

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.1 of the City Charter, titled “Officers, Qualification,” specifically to wit: The eighth (8th full and unnumbered section), states as follows:

Section 5.1.-Officers, Qualifications:

No person shall be eligible to become a candidate for or hold an elective office in the City of Madison Heights who, at the time of the filing of his nominating petition for such elective office, has been elected to or is the holder of, an elective office in any other political subdivision of the State of Michigan. Such political subdivisions of the State of

Michigan shall be deemed to mean any municipality, township, county or State of Michigan, other than the City of Madison Heights. No person shall be eligible to become a candidate for any elective office in the City of Madison Heights, except to succeed himself, who at the time of filing his nominating petition for elective office is the holder of any other elective office in the City of Madison Heights, unless at the time he files his nominating petition for elective office, he shall also file his resignation from such office to be effective not later than the first Monday in April following. At the time of the filing of the petition for an elective office in the City of Madison Heights in the manner hereinabove set forth, the candidate shall, upon the filing of petitions, file an affidavit setting forth his name, that fact that he is a qualified elector in the City of Madison Heights, the length of residence, and that he does not hold an elective office in any political subdivision of the State of Michigan, except the office he seeks, or, if he holds an elective office in the City, other than the office he seeks, that he has submitted his resignation therefrom. Such affidavit together with his petitions, shall be filed with the City Clerk. If any candidate fails to file such an affidavit at the time of filing of his petitions the Clerk shall not accept such petitions for filing. The candidate shall also file all of the affidavits or those instruments required under the election of the State of Michigan.

No person shall be a candidate for any or city election for more than one elective office.

(Amended September 12, 1961)

WHEREAS, the foregoing Charter section requires the resignation of any elected officeholder, from any non-city office, to become a candidate for mayor or city council, at the time of filing nominating petitions, instead of at the time of being elected to city office.

WHEREAS, the foregoing Charter section requires the resignation of an elected city council member, from any city office, to become a candidate for mayor, at the time of filing nominating petitions, instead of at time of being elected as mayor;

NOW, THEREFORE, BE IT RESOLVED, that Chapter 5, Section 5.1 of the City Charter, titled "Officers, Qualification," specifically to wit: The eighth (8th full and unnumbered section), should be amended, in pertinent part, to state as follows:

Section 5.1. Officers, Qualifications

No person, eligible to become a candidate for or hold the office mayor or council member of the City of Madison Heights, shall be required to resign their non-city elective office or city elective office, prior to their election as mayor or city council member. Non-city elective office shall be deemed to mean any municipal, township, county or state office. City elective office shall be deemed to mean mayor or council member of the city. When a person files their nominating petitions for mayor or city council, they shall also file a signed affidavit with the city clerk's office, in conformity with state law.

A person, who wins election as mayor or city council member, shall resign their non-city elective office or prior city elective office.

BE IT FURTHER RESOLVED that all other sections in Chapter 5, Section 5.1., not otherwise amended herein, shall remain in full force and effect; and,

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 5.1 of the Madison Heights City Charter
(Officers, Qualifications) – Proposal No. 2

Currently, Section 5.1 requires, in order to be eligible to be a candidate for election as mayor or council member, that a candidate for mayor or council must resign from any Madison Heights elective office and from elective office in any other local government unit. The proposed amendment states that no candidate for mayor or city council must resign from their current elected offices in the city or any other local unit until they win election as mayor or city council member. If approved, the revision takes effect with the 2025 regular city election and continues until otherwise amended.

Shall the proposed amendment to Section 5.1 be adopted?

☐ Yes

☐ No

BE IT FURTHER RESOLVED, that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Councilor Rohrbach stated that she appreciates this proposal from CSG, and while the usefulness of the previous rule is appreciated, this will provide an avenue for fluidity or allow others to run without having to lose their seat. It removes a barrier from participation.

CSG Member Wright stated that part of the group's thinking was that some of the strongest challengers for Mayor may be on City Council; if they are not allowed to run because they must resign, then you may end up with a weaker pool of candidates. We wanted to open it up for others to serve.

Councilor Quinn stated that he supports this proposal, Although, he believes inclusion is important, and you have a higher level of recognition of those already serving on Council and therefore they have a greater chance than those who haven't previously served. This may create that type of barrier.

Mayor Grafstein stated that she will be voting no. She stated that she has talked to other councils with the same rule and with this change, you could potentially have everyone running against each other instead of working together. While she understands the situation, overall, our current system is working.

Councilman Soltis stated that he is a firm believer in democracy and wants to let the people decide.

Roll Call Vote:

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

Voting Nay: Mayor Grafstein

Absent: Councilwoman Aaron

Motion carried 5-1.

CM-23-130. Proposal 3, Amendment to Charter Section 5.5, Resignations.

Motion by Councilor Rohrbach, Seconded by Councilman Soltis, to approve Proposal 3 to be included on the November 7, 2023 ballot, as follows:

PROPOSAL 3

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.5 of the City Charter, titled "Resignations," states as follows:

Section 5.5.-Resignations:

Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body who shall promptly file the same with the Clerk. Forthwith upon his receipt of a resignation, the Clerk shall notify the City Manager of it, and shall bring the same to the attention of Council at its next meeting thereafter. The acceptance or rejection of such resignation shall be made by the Council at such meeting.

WHEREAS, the foregoing Charter section requires council to accept or reject each resignation from members from boards and commission in lieu of this activity being handled administratively; and corrects pronoun use.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 5, Section 5.5 of the City Charter, titled “Resignations,” should be amended, in pertinent part, to state as follows:

Section 5.5. Resignations

Resignations of a Council member, Mayor or a member of a board and commission shall be made in writing and filed with the Clerk. Upon receipt of a resignation, the Clerk shall notify the City Manager. The acceptance or rejection of such resignation of a Council member or Mayor shall be made by the City Council at their next meeting. The acceptance or rejection of such resignation of a member of a board and commission shall be made administratively.

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 5.5 of the Madison Heights City Charter
(Resignations) – Proposal 3

The proposed amendment states that resignations of a Council member and Mayor shall be accepted or rejected by City Council and resignations from boards and commissions shall be accepted or rejected administratively. If approved, the revision is effective in 2023 and shall continue until otherwise amended.

Shall the proposed amendment to Section 5.5 be adopted?

☐ Yes

☐ No

BE IT FURTHER RESOLVED, that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Roll Call Vote:

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-131. Proposal 4, Amendment to City Charter Section, 5.7a, Filling Vacancies in Elective Offices.

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Rohrbach, to approve Proposal 4 to be included on the November 7, 2023 ballot, as follows:

PROPOSAL 4

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 5, Section 5.7(a) of the City Charter, titled “Filing Vacancies in Elective Officers, states as follows:

Section 5.7(a)-Filling Vacancies in Elective Offices.

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment from one of the remaining Council Members by a majority vote of the remaining Council

Members. Such appointment shall be made on or before sixty (60) days after the vacancy occurs, and shall be for the balance of the unexpired term. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular election, at which time such vacancy shall be provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to the eligibility requirements for Council contained in the Charter, as amended by applicable State law.

(Amended September 12, 1961; Amended November 6, 1985; Election of November 2, 2004)

WHEREAS, the foregoing Charter section currently requires a council vote to fill the office of May upon the vacancy of the mayor's office, instead of providing for the immediate and automatic appointment of the Mayor Pro Tem to the office of Mayor;

WHEREAS, the foregoing Charter section corrects the omission of not defining every succeeding regular election as a succeeding regular city election;

NOW, THEREFORE, BE IT RESOLVED, that Chapter 5, Section 5.7(a) of the City Charter, titled "Filling Vacancies in Elected Offices," should be amended, in pertinent part, to state as follows:

Section 5.7(a) Filling Vacancies in Elective Offices

(a) Any vacancy which occurs in the office of Mayor shall be filled by appointment of the Mayor Pro Tem. Such appointment shall be made by Council at the next regular meeting of Council. The vacancy created in the office of Mayor Pro Tem, resulting from such appointment, shall be filled by Council designating the City Council member, receiving the second highest number of votes at the last regular city election, as Mayor Pro Tem. Such appointment shall be made by Council at the next regular meeting of Council, following the appointment of the Mayor. The appointed Mayor and Mayor Pro Tem shall serve in that capacity until the next regular city election. Any vacancy which occurs in the office of Council Member shall be filled by the Council at the next regular meeting of the Council after the vacancy occurs, from the unsuccessful candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore. Such appointment shall be until the next succeeding regular City election, at which time such vacancy shall be provided in Chapter 4 of this Charter for any balance of the unexpired original term. In the event there are no unsuccessful

candidates for Council at the last preceding regular City election who were nominated and obtained the next highest vote therefore, Council shall by majority vote appoint a City resident to fill said vacancy. Such appointment shall be made on or before sixty (60) days after the vacancy occurs and shall be until the next succeeding regular City election, at which time such vacancy shall be filled as provided in Chapter 4 of this Charter for any balance of the unexpired original term. The appointee shall be subject to the eligibility requirements for Council contained in the Charter, as amended by applicable State law.

BE IT FURTHER RESOLVED that all other sections in Chapter 5, Section 5.7(a), not otherwise amended herein, shall remain in full force and effect; and,

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 5.7(a) of the Madison Heights City Charter
(Filling Vacancies in Elective Offices) – Proposal 4

The proposed amendment states that Council shall appoint the Mayor Pro Tem as Mayor in the event there is a vacancy in the office of Mayor; that Council shall appoint the City Council member, receiving the second highest number of votes at the last preceding regular City election, as Mayor Pro Tem; and defines every succeeding regular election as a succeeding regular city election. If approved, the revision takes effect with the 2025 regular city election and continues until otherwise amended.

Shall the proposed amendment to Section 5.7(a) be adopted?

☐ Yes

☐ No

BE IT FURTHER RESOLVED that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Mayor Pro Tem Bliss commented that this proposal is straight up democracy in action, and he believes the automatic nature of this appointment will be appreciated by the residents.

Roll Call Vote:

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-132. Proposal 5, Amendment to City Charter Section 6.1, Regular Meetings.

Motion by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to approve Proposal 5 to be included on the November 7, 2023 ballot, as follows:

PROPOSAL 5

WHEREAS, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

WHEREAS, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

WHEREAS, Chapter 6, Section 6.1 of the City Charter, titled “Regular Meetings,” states as follows:

Section 6.1.- Regular Meetings:

The council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month, except during the month of December when at least one (1) meeting shall be required. An organizational meeting shall be held on the Monday following each regular city election. Nothing herein prohibits or prevents the calling of a special meeting pursuant to the terms of Chapter 6, Section 6.2 of this Charter.

WHEREAS, the foregoing Charter section requires council to hold at least two (2) regular meetings each month, except during the month of December, when one (1) meeting is required, totaling twenty-three (23) regular meetings per calendar year.

WHEREAS, due to the numerous special meetings that Council holds during each calendar year, the proposed amendment would require twenty-three (23) regular meetings per calendar year, with at least one (1) regular meeting each month.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 6, Section 6.1 of the City Charter, titled “Regular Meetings,” should be amended, in pertinent part, to state as follows:

Section 6.1

The council shall provide by resolution for the time and place of twenty-three (23) regular meetings per calendar year and shall hold at least one (1) regular meeting each month. An organizational meeting shall be held on the Monday following each regular city election. Nothing herein prohibits or prevents the calling of a special meeting pursuant to the terms of Chapter 6, Section 6.2 of this Charter.

BE IT FURTHER RESOLVED that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 6.1. of the Madison Heights City Charter
(Regular Meetings) – Proposal 5.

Currently, Section 6.1 requires the City Council to hold two (2) regular council meetings per month, except during the month of December when at least one (1) regular meeting shall be held, totaling twenty-three (23) regular meetings per calendar year. To give Council greater scheduling flexibility, the proposed amendment would still require twenty-three (23) regular council meetings per calendar year, but would require a minimum of one (1) regular meeting each month. If approved, the revision is effective in 2023 and shall continue until otherwise amended.

Shall the proposed amendment to Section 6.1 be adopted?

☐ Yes

☐ No

BE IT FURTHER RESOLVED, that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

BE IT FURTHER RESOLVED, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

BE IT FURTHER RESOLVED, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter

Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

Councilor Rohrbach stated that the CSG looked at this, and they didn't recommend a change. She noted that last year, Council had some extraordinarily short meetings. We also want to be responsible and inclusive and want to address some conflicts on the calendar. She stated that she is still contemplating her vote on this proposal, noting she is torn, agreeing with the flexibility goal, and acknowledging the cons of reducing the number of meeting dates.

Mayor Pro Tem Bliss stated that this is about flexibility and is a staff recommendation. The proposal does not say we won't have two meetings a month but gives flexibility across the board.

Councilor Wright concurred with Mayor Pro Tem Bliss' comments, noting flexibility is the main goal; not only for us, but also for the citizens who want to be here and participate but cannot.

CSG member Covert stated that when the group discussed this item, we also suggested that perhaps some special meetings could be incorporated into a regular meeting. She advised that the Council do their job and it will pay off in the end.

CSG member Wright commented that even though the group did not recommend any changes, we did discuss all options. The CSG was not in favor of having any less meetings.

Mayor Pro Tem Bliss amended his motion to change to twenty-three meetings annually and Councilor Wright continued his support.

Roll Call Vote:

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-133. Bid Award - 2023 Pavement Marking.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilor Wright, to award the bid for the 2023 Pavement Marking to PK Contracting, of Troy, Michigan.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-134. Budget Amendment - Police Patrol Vehicles.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis, to approve a Budget Amendment in the amount of \$131,124 to account 101-301-985-0000 for Police Patrol Vehicles.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-135. Budget Amendment - Police Patrol Vehicles.

Motion made by Mayor Pro Tem Bliss, Seconded by Councilman Soltis to approve a Budget Amendment in the amount of \$43,708 to account 265-301-985-0039 for Police Patrol Vehicles.

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

Absent: Councilwoman Aaron

Motion carried.

CM-23-136. Purchase of 4 Police Patrol Vehicle.

Motion made by Councilor Rohrbach, Seconded by Mayor Pro Tem Bliss, to approve the purchase of four Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$174,832, under the Oakland County Cooperative Purchasing bid.

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

Absent: Councilwoman Aaron

Motion carried.

COUNCIL COMMENTS:

Mayor Pro Tem Bliss stated that he hopes that Councilwoman Aaron is having an awesome time in Alaska. He noted that he will be out of town and unable to attend the next council meeting. Mayor Pro Tem Bliss stated several years ago City Council decided not to shut off water due to delinquent water bills. The associated charges to shut on and off water are not a good use of resources. Residents are advised to contact City Offices if they have questions or need assistance with their water bills.

Councilor Wright agrees that safe drinking water is a priority, we can't pretend that we are immune from inflation, and we are taking a proactive step to yield cost savings. He wished everyone a Happy Memorial Day and congratulated his daughter for making the honor roll.

City Attorney J. Sherman explained the next step is to send the ballot proposals to the Office of the Attorney General and Governor's Office. If they make substantive changes, it must go before the City Council to consider the substantive changes. However, procedural changes can be undertaken by the collaborative efforts of City Attorney, City Manager Marsh, and City Clerk

Rottmann. The statement of purpose may require further explanation to the effect that there can be more than two meetings held per month.

City Manager Marsh advised residents if they have any questions regarding the new water rate post card, please contact the Finance/Treasury Department to review their current history and what the rate change means.

City Clerk Rottmann had no comments this evening.

Councilor Rohrbach encouraged residents regarding new water rates to not believe everything you read on Facebook, contact the City Manager's Office, and get the facts. The Memorial Day Parade is on Saturday and the Native Plant Sale is on Sunday from 2 p.m. to 5 p.m. Our 2023 class is graduating, and she is so proud of all those graduates for their perserverence on their high school careers. Go Eagles! Go Rams!

Councilman Fleming has been working with Oakland County Community Health Network to provide in the future a Mental Health Forum and Mental Health First Aide Training. He asked Rep. McFall to reintroduce the Jeffrey Brozich bill to recognize fallen Firefighters. Councilman Fleming had a great time participating in a little league opening day. He sponsors a team because young baseball players help to make it more affordable and lets them play. His hope is that they have long lasting memories and long baseball careers. Councilman Fleming has had the pleasure of helping on the Memorial Day Parade committee and the new route starts at Wilkinson Middle School to Madison High School due to current road construction.

Councilman Soltis gave a shout out to our Police Officers for their fantastic work, and we appreciate everything they do. He recognized all the members of the Charter Study Group for a job well done.

Mayor Grafstein thanked the Charter Study Group for their great and efficient work. She urged residents to contact the City Manager's Office with any questions regarding their water bill. If you have any trouble paying your water bill, please call the number on the postcard or contact the City Manager's Office. Mayor Grafstein appreciates all the discussion on the proposals. If there's a need to change the meeting dates, we should be considerate of everyone in the community including the City Council. Thank you to Rep. Mike McFall for throwing out the first official pitch on opening day for little league baseball. The next council meeting is Monday, June 12th.

ADJOURNMENT:

Having no further business, Mayor Grafstein adjourned the meeting at 9:20 p.m.