

DATE: June 9, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, June 13, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, June 13, 2022.

PUBLIC HEARINGS:

SPECIAL USE PSP 22-05, LUTFI ALRISHOOS d/b/a 'DINO LAND' – 32190 JOHN R ROAD – INDOOR RECREATION B-3, GENERAL BUSINESS DISTRICT

The applicant, Lutfi Alrishood, requests special use approval to operate an indoor children's recreation business within an existing commercial retail center located at Madison Place at 32109 John R Road. This property is zoned B-3.

The applicant proposes to operate an indoor children's playground and café known as "Dino Land" within a vacant retail space at the Madison Place shopping center. The vacant retail space is approximately 9,600 square feet. Per the project description, the business will provide an indoor playground for children, four private birthday party rooms, and a café. Per section 10.326, indoor and outdoor recreation businesses are permitted as a special use within the B-3 zoning district.

The Site Plan Review Committee reviewed the special use application at their May 25, 2022, meeting and did not cite any concerns with the proposed use. Therefore the Site Plan Review Committee and staff recommend that the City Council approve the requested special use application for indoor recreational use at 32109 John R Road.

COMMUNICATIONS:

EMERGENCY PURCHASE – CHANGE ORDERS #1 and #2 ADAMS DEMOLITION – 901 AND 945/959 E. TEN MILE

On February 28, 2022, City Council approved the contract with the Adams Group to demolish 901 and 945/959 East Ten Mile Road building structures for \$412,154. However, once this work started, several new situations developed requiring change orders related to contamination and backfill needs of the sites and were outside the demolition company's control. These change orders were reviewed by staff and the State of Michigan before being approved through the City's emergency purchasing provision. This provision was enacted to prevent project delays of this time sensitivity and unique project.

Change Order #1 related to 901 E. Ten Mile and resulted from onsite hydraulic tank removal and additional backfill and stone for \$27,396.

Change Order #2 related to 945/959 E. Ten Mile resulted from additional estimated hazardous waste tonnage for an approximate total of \$90,300. The actual cost will be based on the exact amount of tonnage disposed of.

Including these addendums, Adam's Group is still the lowest and most responsible bidder. However, the City does have grants to cover the cost of both of these addendums. Therefore, the City Council is being asked to receive and file this emergency purchase.

GFL REGULAR SERVICES COMMUNITY UPDATE

Representatives from GFL are scheduled to attend the regular City Council meeting of June 13, 2022 to update City Council and the Community on services.

REPORTS:

CONTRACT FOR ASSESSING SERVICES

Since July 2011, the City of Madison Heights has contracted with Oakland County Equalization to provide assessing services. However, the current 3-year agreement expires June 30, 2022, and Oakland County Equalization is proposing a renewal contract for a 1-year term.

This proposed renewal is essentially the same as the current contract except for a 4% per parcel increase. Oakland County Director of Management and Budget stated that the County provides assessing services to 32 communities and proposes a 4% cost per parcel increase to all entities.

The fiscal year 2023 budget was approved for \$204,021 for assessing services; the anticipated cost of the contract is \$212,776. Therefore a budget amendment of \$8,755 is also required and required a super majority of City Council.

Staff and I recommend that the City Council approve this proposed assessing services contract with Oakland County, from July 1, 2022, through June 30, 2023, and authorize the Mayor and City Clerk to sign on behalf of the City.

DPS DIRECTOR: 2022 OAKLAND COUNTY LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) COST PARTICIPATION AGREEMENT

For the past six years, the City has successfully participated in Oakland County's Local Road Improvement Program (LRIP), which is designed to assist local units of government with needed local road improvements. The program is based on a minimum 50% / 50% match between the City and Oakland County. Since the inception of this program, the City has received \$355,066 in County grant funding over this period.

Oakland County has offered the program again for 2022, and we have been awarded the maximum grant amount of \$81,493 for sectional concrete repairs to Mandoline Avenue offsetting a total project cost of \$140,000.

Staff recommends that City Council approve the Cost Participation Agreement for the 2022 LRIP program, and authorize the Mayor to electronically sign on behalf of the City.

DPS DIRECTOR: COUNCIL APPROVAL OF THE 2022 FESTIVAL IN THE PARK FIREWORKS DISPLAY PERMIT

At the regular meeting of April 25, Council approved the permit for the 2022 Fireworks Display, and authorized the Mayor to sign on the City's behalf. Since that time, we have been informed by our vendor, Great Lakes Fireworks, that due to supply chain issues, they cannot guarantee that they will be able to provide our fireworks display on the evening of the Festival.

Upon receiving this information, Recreation Coordinator Brooke Heisler immediately began reaching out to other potential vendors, specifically describing our needs and expectations. Through an exhaustive process, it was determined that Pyrotecnico Fireworks would be able and willing to provide a high-quality show for the same budgeted amount. Pyrotecnico is a leader in the industry, with a diverse and impressive company portfolio.

As previously noted, the permit application process for a commercial or public fireworks display in the state of Michigan requires approval by the legislative body, in this case, the City Council. Staff and I therefore recommend that Council consider two motions:

- To rescind the previous permit approval to Great Lakes Fireworks, due to their inability to commit to delivering the 2022 Festival in the Park Fireworks Display.
- To approve the permit for the 2022 Festival in the Park Fireworks Display from Pyrotecnico Fireworks, and authorize the Mayor to sign on the City's behalf.

PURCHASES:

PURCHASE OF POLICE PATROL VEHICLES

The approved FY 2023 Budget includes the scheduled replacement of two standard police patrol vehicles. Vehicles have been extremely difficult to come by in recent months, due to the widely publicized supply chain and microchip shortages. This situation is expected to continue, possibly even worsen into calendar year 2023. We were informed by our government sales representative with Chrysler that he would be taking delivery of a very limited number of Dodge Durango pursuit vehicles as his 2023 model year allocation at the end of June.

Staff recommends that Council award the purchase of two Dodge Durango Pursuit vehicles to Galeana's Van Dyke Dodge, of Warren, Michigan, in the total amount of \$78,110, under the Oakland County Cooperative Purchasing bid. Funds are budgeted and available.

ORDINANCES:

ORDINANCE NO. 2181 - MARIHUANA LICENSE SCORING AMENDMENT

At the request of the City Council, legal counsel has amended the medical marihuana license ordinance to allow for staff to move forward with selecting an applicant for the city's one (1) remaining medical/adult-use co-located facility license. Pursuant to section 7-406(b) of the City's Code of Ordinance, City 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 the 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. According to section 7-408 of article xvii marihuana establishments, the scoring and selection of such a facility 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.

Based on lessons learned during the initial marihuana licensing applications, the staff recommends adjustments to the original scoring to improve the selection process. Accordingly, section 7-308 must be amended to incorporate such adjustments legally to make these scoring alterations.

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.

ORDINANCE NO. 2183 PROPERTY MAINTENANCE CODE 2021 – FIRST READING

The ICC Property Maintenance Code is the Code followed to inspect and maintain all our existing structures and property in the City.

Legal Counsel has reviewed the Ordinance and recommends the amendment to adopt the ICC Property Maintenance Code, 2021 Edition, on the first reading, with the second reading scheduled for June 27, 2022.

ORDINANCE NO. 2186 2021 INTERNATIONAL FIRE CODE – FIRST READING

The City's Code of Ordinances incorporates by reference the International Fire Code for establishing the standards for regulating and governing the safeguarding of life and property from fire and explosive hazards. The International Fire Code is routinely updated every few years and this amendment updates referencing to the most recently published standards.

Legal Counsel has reviewed the Ordinance and recommends City Council adopted by reference Ordinance 2186, 2021 edition of the International Fire Code, on first reading by number and title only, with second reading scheduled for June 27, 2022.

ORDINANCE NO. 2184 – REZONING REQUEST PRZN 22-01 – REZONE 30151, 30171, and 30183 DEQUINDRE ROAD FROM R-3, SINGLE-FAMILY RESIDENTIAL TO RM, MULTIPLE FAMILY RESIDENTIAL.

The applicant, Hudson Madison II LLC, requested to rezone three (3) parcels of land at 30151, 30171 and 30183 Dequindre Road from R-3 Single-Family Residential to R-M Multiple Family Residential.

The three subject properties contain 2.86 acres and are improved with single-family detached homes and their accessory structures. The applicant requests a rezoning to R-M to construct a senior living, assisted living and memory care facility on-site, which is permitted as a special use within the R-M district. The new facility will be associated with the independent senior living facility currently under construction immediately to the south of the site. Therefore, this rezoning does not constitute special use or site plan approval.

At their May 17, 2022 meeting, the Planning Commission recommended approval of the requested rezoning. Based on the Planning Commission's findings and recommendation, the staff recommends that the City Council adopt Ordinance #2184 upon first reading and schedule the required public hearing for the July 11, 2022 City Council meeting.

ORDINANCE NO. 2185 – REZONING REQUEST PRZN 22-02 – REZONE REQUEST
PRZN 22-02 – REZONE 29022 STEPHENSON HIGHWAY FROM M-1, LIGHT
INDUSTRIAL, TO B-3, GENERAL BUSINESS.

The applicant, EWM- Miller Wash, LLC, requests to rezone three (3) parcels of land at 29022 Stephenson Highway from M-1, Light Industrial, to B-3, General Business. The subject properties are located at the northeast corner of Stephenson Highway and E-. 12 Mile Road, immediately to the west of the I-75 interchanges.

The subject site consists of three (3) parcels which contain a total area of approximately 1.14 acres. The site is improved with an existing 3,285 square feet commercial structure currently occupied by Col's Place restaurant. The applicant request a rezoning to B-3 in order to construct an auto care wash facility, which is permitted as a special use within the B-3 district. This rezoning does not constitute special use or site plan approval.

At their May 17, 2022 meeting, the Planning Commission recommended approval of the requested rezoning. Based on the Planning Commission's findings and recommendation, staff recommends that the City Council adopt Ordinance #2185 upon first reading and schedule the required public hearing for the July 11, 2022 City Council meeting.