

City Council Regular Meeting
Madison Heights, Michigan
May 23, 2022

A City Council Regular Meeting was held on Monday, May 23, 2022 at 7:30 PM at City Hall - Council Chambers, 300 W. 13 Mile Rd.

PRESENT

Mayor Roslyn Grafstein
Councilwoman Toya Aaron
Mayor Pro Tem Mark Bliss
Councilor Emily Rohrbach
Councilor Quinn Wright
Councilman David Soltis

ABSENT

Councilman Sean Fleming

OTHERS PRESENT

City Manager Marsh
Assistant City Attorney Sherman
City Clerk Rottmann

Mayor Grafstein gave the invocation and the Pledge of Allegiance followed.

CM-22-169. EXCUSE COUNCILMEMBER:

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Aaron, to excuse Councilman Fleming from tonight's meeting.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-170. APPROVAL OF AGENDA:

Motion made by Councilor Rohrbach, seconded by Councilor Wright, to add the Gun Violence Awareness Day Proclamation under Presentations to tonight's agenda:

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

Absent: Councilman Fleming

Motion Carried.

CM-22-171. 2022 POLICE COMMENDATION AWARDS

Chief Haines presented the 2022 Commendation and Awards as follows:

COMMAND OFFICER OF THE YEAR

Sergeant Shawn Scofield

POLICE OFFICER OF THE YEAR

Officer Jordan Rieck

POLICE SERVICE AIDE OF THE YEAR

PSA Edward Bicego (posthumously)

POLICE RESERVE OFFICER OF THE YEAR

Reserve Officer David Reidy

DEPARTMENTAL COMMENDATIONS

Lieutenant David Kohler

Sergeant Scott Holdreith

Detective Gert Strongarone

Officer Edgar Miranda

Officer Gunther Brieger

Meritorious Service Award Retired Officer Bernard Pace

Officer Jeffrey Lewis

Officer Kirk Walker

Officer John Heinrich

Lieutenant Mike Siladke

Sergeant Gregory Hartunian

LIFE SAVING AWARDS

Officer Michael Wing

PSA Diamond Smither

Former Officer Lindsey Brozich

**CM-22-172. PROCLAMATION RECOGNIZING THE MADISON HEIGHTS
WOMEN'S CLUB**

City Manager Marsh read the proclamation recognizing the Madison Heights Women's Club and on behalf of City Council, Mayor Grafstein presented the proclamation to Madison Heights Women's Club President Karen Barnes.

CM-22-173. JUNETEENTH DAY PROCLAMATION

City Manager Marsh read the Juneteenth Day proclamation and City Council proclaimed June 19, 2022 at Juneteenth in the City of Madison Heights.

CM-22-174. NATIONAL GUN AWARENESS PROCLAMATION

City Council proclaimed June 3, 2022 as National Gun Violence Awareness Day in the City of Madison Heights.

CM-22-175. SPECIAL APPROVAL PSP 22-04, PRECISION LASER & MANUFACTURING- 31330 STEPHENSON HIGHWAY - PAINTING, VARNISHING AND UNDERCOATING SHOP

City Manager Marsh reviewed Special Approval PSP 22-04, Precision Laser & Manufacturing at 31330 Stephenson Highway request for a painting, varnishing and undercoating shop.

Mayor Grafstein opened the public hearing at 8:02 pm. Jesse Schmidt, owner and applicant, stated that his company is new to the City and they are asking special approval to grow the business and move in a positive direction. Seeing no one wishing to speak, Mayor Grafstein closed the public hearing at 8:03p.m.

Motion by Mayor Pro Tem Bliss, seconded by Councilor Rohrbach:

WHEREAS, a Special Approval Board application has been received from 31330 Stephenson Highway, requests for approval to install a paint booth within an existing industrial building in a M-2, Heavy Industrial district.

WHEREAS, a public hearing was published in the Madison Park News on April 27, 2022 and notices were mailed to property owners within 500 feet of the aforementioned property; and,

WHEREAS, a report has been received from the Community and Economic Development Department stating:

Introduction

The applicant, Jesse R. Schmidt d/b/a Precision Laser & Manufacturing LLC, requests special use approval to install a paint booth within an existing industrial building. The subject property is located at 31330 Stephenson Highway (PIN 44-25-02-378-023) and is zoned M-2, Heavy Industrial. The property is improved with an existing 22,000 square foot metal industrial building. The applicant does not propose modifications to the site or building footprint as part of this special approval request.

Background and Analysis

The applicant proposes to set up an industrial paint booth inside of the existing industrial building at 31330 Stephenson Highway. The applicant represents Precision Laser & Manufacturing, which is a light industrial manufacturing company that produces material handling racks and containers for the automotive industry. Precision Laser & Manufacturing has applied for a Certificate of Occupancy to operate from the building.

Per the project narrative, the items that are manufactured by the applicant's business need to be painted in order to prevent rusting. The applicant proposes to use an environmentally-friendly water-based paint. The building plan provided by the applicant denotes a 20 ft. by 30 ft. paint booth area inside of the existing building.

Per Section **10.322A**, *painting, varnishing and undercoating shops* are permitted within the M-2 zoning district as a special use. These shops must be set back at least 75 feet from any adjacent residential districts and shall be conducted within a completely enclosed building. Note that the subject site is located within the Stephenson Highway industrial corridor and does not abut any residential zoning districts.

Existing Zoning and Land Use

The table below denotes existing adjacent land uses and zoning designations.

	Existing Land Use	Existing Zoning
Site	Industrial	M-2, Heavy Industrial
North	Industrial	M-2, Heavy Industrial
South	Industrial	M-2, Heavy Industrial
East	Industrial	M-2, Heavy Industrial
West (across Stephenson Highway)	Industrial	M-1, Light Industrial

The subject site is located along the Stephenson Highway industrial corridor and is surrounded by existing light and heavy industrial uses. The property is sandwiched between four existing industrial buildings to the north, east, south and west, and is in close proximity to I-75.

The subject site is zoned M-2, Heavy Industrial, which, per the Zoning Ordinance, is, *“designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations whose external, physical effects will be felt to some degree by surrounding districts.”*

Future Land Use and Master Plan

The table below denotes adjacent future land use designations as contained within the 2021 Madison Heights Master Plan.

	Future Land Use
Site	Industrial
North	Industrial
South	Industrial

East	Industrial
West (across Stephenson Highway.)	Industrial

The future land use designation of the subject site and all surrounding properties is ‘*Industrial.*’ Per the Master Plan, the Industrial future land use designation is intended to, “*accommodate manufacturing, processing, warehousing, storage of raw materials and intermediate and finished products, industrial service providers, industrial parks, and industrial research activities. These more intense uses are intended for existing industrial areas along Stephenson, I-75, and 14 Mile Road.*”

Site Plan Review Committee

The Site Plan Review Committee (SPRC) reviewed the special use application at their April 27th, 2022 meeting. The SPRC did not cite any concerns with the proposed use.

Findings and Recommendation

Staff offers the following findings for City Council consideration:

1. The applicant requests special use approval for a paint booth associated with an existing industrial manufacturing business, Precision Laser & Manufacturing, at 31330 Stephenson Highway.
2. The subject property is zoned M-2, Heavy Industrial, and is located within the Stephenson Highway industrial corridor.
3. The proposed use satisfies the use-specific criteria for *painting, varnishing and undercoating shops* in the M-2 district, as the paint booth is located within a completely enclosed building and is not within 75 feet of a residentially-zoned property.
4. The proposed use is consistent and compatible with adjacent industrial uses and industrially-zoned parcels and is consistent with the Industrial future land use designation.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).

Based on these findings, staff recommends that the City Council **approve** the requested special use application for a *painting, varnishing and undercoating shop* at 31330 Stephenson Highway.

NOW, THEREFORE, BE IT RESOLVED, that the Madison Heights City Council, acting as Special Approval Board in accordance with section 10.201 of the Code of Ordinances, hereby APPROVES the requested Special Use PSP 22-04 to permit a painting, varnishing and undercoating shop at 31330 Stephenson Highway in a M-2, Heavy Industrial District.

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

CM-22-176. MEETING OPEN TO THE PUBLIC

Kevin Wright, resident and member of HREC, thanked Council for passing the Juneteenth Proclamation. He spoke in support of the Juneteenth Flag resolution and invited the public to the 2nd Annual Juneteenth Festival on June 18th at Civic Center Park. Details about the event are on the Madison Heights Juneteenth Facebook page and website.

Martha Covert thanked Councilwoman Aaron for participating in the Mental Health Panel Discussion and noted that it was very illuminating, helpful and she would like to see more events like this.

Vita Palazzolo thanked Council for all the presentations tonight and thanked the Women's Club and Councilwoman Aaron for her work on mental health. She stated that disc golfers are causing damage to trees on the disc golf course.

CM-22-177. RESOLUTION TO ESTABLISH MICHIGAN CLASS (MI CLASS) AS AN APPROVED DEPOSITARY FOR INVESTMENT FUNDS

Motion by Mayor Pro Tem Bliss, seconded by Councilwoman Aaron, to approve a resolution to establish Michigan Class as an approved depository for investing the proceeds from the \$6.5 million bond for the Civic Center Project as follows:

AUTHORIZING RESOLUTION

WHEREAS, City of Madison Heights (the "City") desire to enter into or have entered into an interlocal agreement substantially in the form attached hereto as Exhibit B (the "Participation Agreement") for the purpose of exercising jointly the power each Public Agency has to invest its surplus funds; and

WHEREAS, the City is a Public Agency under the Participation Agreement and is authorized by Michigan law to invest its funds in certain investments (the "Permitted Investments"); and

WHEREAS, Act 7 of the Public Acts of the Extra Session of 1967, as amended, (the Urban Cooperation Act of 1967) authorizes the City to contract in the form of an interlocal agreement to provide for the manner of investment of surplus funds or proceeds of grants, gifts, or bequests to the parties to the interlocal agreement under the control of a legal or administrative entity created by that interlocal agreement.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS;

1. The Governing Body adopts the Participation Agreement substantially in the form of Exhibit B which is incorporated in the Resolution by reference thereto and

agrees to join with other City to become a Participant under the terms of the Participation Agreement and to accept additional City as new Participants without subsequent action.

2. The Governing Body agrees to and concurs in the appointment of those Trustees either being appointed, to be appointed or currently serving as members of the Board of Trustees created under the Participation Agreement and recognizes those Trustees and their successors as the appointees of the Public Agency.
3. The Governing Body acknowledges and confirms the representation, warranties and covenants provided in the Participation Agreement to the Investment Advisor and Custodian under Participation Agreement, upon which they may respectively rely.
4. The Governing Body hereby authorizes Linda A. Kunath or Melissa R. Marsh (the “Authorized Officer”), to take the following actions with regard to the participation of the Public Agency in the Participation Agreement:
 - a. Deliver a certified copy of this Resolution to Investment Advisor under the Participation Agreement.
 - b. Execute and deliver all notices, directions and instructions required or permitted by the Participation Agreement from the Public Agency or Participant.
 - c. Make contributions to the Investment Property as provided in the Participation Agreement and select all or part of the Surplus Funds (as defined in the Participation Agreement) to be contributed to the Investment Property.
 - d. Consent to an amendment to the Participation Agreement on behalf of the Public Agency if such amendment is not materially adverse to the interest of the Public Agency, is necessary to conform to the Participation agreement with law, or is a technical change necessary to facilitate the intent of the Participation Agreement.
5. The Participant understands and agrees that it shall not amend or repeal this Resolution except to the extent necessary to alter the limitations imposed on the Authorized Officer, to change Authorized Officers, or to withdraw from the Participation Agreement.
6. All resolutions and parts of resolution in conflict with this Resolution shall be, and hereby are, amended or repealed to the extent of such conflict.

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

Absent: Councilman Fleming

Abstain: Councilor Wright

Motion Carried.

CM-22-178. PRIDE FLAG RESOLUTION

Motion by Councilor Rohrbach, seconded by Councilor Wright, to approve the Pride Flag Resolution as follows:

A RESOLUTION OF THE CITY OF MADISON HEIGHTS PRIDE FLAG

On June 14, 2021, the City Council of the City of Madison Heights passed a resolution to display the United States flag, the State of Michigan flag, and the City of Madison Heights flag, on the flagpoles outside of the Madison Heights' City Hall building ("City Hall").

In addition to the above referenced flags, "other flags" may be displayed on a temporary basis, on a flagpole, outside of City Hall, upon the issuance of a resolution adopted by City Council, subject to the following: (a) The other flags may only be displayed for a period not to exceed thirty (30) days or one (1) month, whichever is longer; (b) the other flags shall constitute "government speech," only, for those causes, events, and celebrations that the City government supports and wishes to promote; and (c) nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event or celebration that the City government does not support or wish to promote.

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. The City of Madison Heights shall display the Pride flag from June 1, 2022, through and including June 30, 2022, on a flagpole outside of City Hall in recognition of Gay Pride month, and for the importance of recognizing our nation's diversity and the value of inclusivity for all. The City wants to send a message that we must not discriminate against people because of who they love, and we must not discriminate against people because of race, color, religion, national origin, gender (including pregnancy, gender identity, and sexual orientation), disability or genetics, including other such categories.
2. The Pride flag is authorized by City Council resolution, on a temporary basis, is considered "government speech," only, and is for a cause, event, and celebration that the City government supports and wishes to promote. Further, nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City does not support or wish to promote.
3. This Resolution pertains to the flagpoles outside of City Hall, which are reserved for government speech, only; and nothing herein prohibits or prevents people and groups from meeting in city parks or on other city property and waiving or holding the flags of their choosing for the events, causes, and celebrations they support or wish to promote.

4. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Resolution. This Resolution shall become effective immediately upon passage.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-179. JUNETEENTH FLAG RESOLUTION

Motion by Councilor Wright, seconded by Councilor Rohrbach, to approve the Juneteenth Flag Resolution as follows:

A RESOLUTION OF THE CITY OF MADISON HEIGHTS JUNETEENTH FLAG

On June 14, 2021, the City Council of the City of Madison Heights passed a resolution to display the United States flag, the State of Michigan flag, and the City of Madison Heights flag, on the flagpoles outside of the Madison Heights' City Hall building ("City Hall").

In addition to the above referenced flags, "other flags" may be displayed on a temporary basis, on a flagpole, outside of City Hall, upon the issuance of a resolution adopted by City Council, subject to the following: (a) The other flags may only be displayed for a period not to exceed thirty (30) days or one (1) month, whichever is longer; (b) the other flags shall constitute "government speech," only, for those causes, events, and celebrations that the City government supports and wishes to promote; and (c) nothing herein shall be considered or deemed to be a "limited public forum," allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City government does not support or wish to promote.

NOW, THEREFORE BE IT RESOLVED that the City of Madison Heights City Council determines:

1. The City of Madison Heights shall display the Juneteenth flag from June 17, 2022, through and including June 20, 2022, on a flagpole outside of City Hall in recognition of the end of slavery and the step forward it represented on our continuing path to living out our nation's creed of freedom and equality for all. The City wants to send a message that we must not discriminate against people because of race, color, religion, national origin, gender (including pregnancy, gender identity, and sexual orientation), disability or genetics, including other such categories.
2. The Juneteenth flag is authorized by City Council resolution, on a temporary basis, is considered "government speech," only, and is for a cause, event, and celebration that the City government supports and wishes to promote. Further, nothing herein shall be considered or deemed to be a "limited public forum,"

allowing the public to use the City's flagpoles outside of City Hall for a cause, event, or celebration that the City does not support or wish to promote.

3. This Resolution pertains to the flagpoles outside of City Hall, which is reserved for government speech, only; and nothing herein prohibits or prevents people and groups from meeting in city parks or on other city property and waiving or holding the flags of their choosing for the events, causes, and celebrations they support or wish to promote.
4. If any section or portion of this Resolution is determined to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Resolution.

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

**CM-22-180. CED DIRECTOR - ORDINANCE NO. 2182, ZONING TEXT
AMENDMENT 22-01 - MOBILE FOOD VENDOR, SECOND
READING**

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to approve Ordinance No. 2182, Zoning Text 22-01, on Second Reading as follows:

Ordinance No. 2182
City of Madison Heights
Oakland County, Michigan
Zoning Text Amendment 22-01

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, Zoning Ordinance, to add Sections 10.2200 through 10.2205 which provide regulations pertaining to mobile food vendors and the operation of mobile food vehicles on private property within the City.

The City of Madison Heights ordains:

Section 1. Sections 10.2200 through 10.2205 are hereby added as follows:

MOBILE FOOD VENDING

Section 10.2200 – Purpose, Intent and Applicability.

These sections are intended to: (1) expand convenient and varied eating options in the City of Madison Heights; (2) support culinary entrepreneurship and small business development by allowing mobile food vendors to operate safely within designated areas of the city; and (3) protect brick and mortar businesses that have invested in the city and that pay property taxes while allowing for new businesses to enter the market.

These provisions shall apply to businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way. These provisions do not apply to mobile food vehicles operating under a special event permit nor vehicles which distribute food and drink as they actively drive through the community (e.g. ice cream trucks). Mobile food vendors operating in the public right-of-way or on public property shall apply through the special event permitting process.

Section 10.2201 – Definitions.

- (A) *Brick and Mortar Restaurant*: A restaurant with a functional regulated kitchen located within a permanent building on a permanent foundation.
- (B) *Mobile Food Vehicle*: A licensed trailer, motorized vehicle, or any other similar mobile conveyance from which food and/or drink (prepared on-site or pre-packaged) is sold or served to the general public from a stationary location. This definition excludes the following: (1) permanent structures which are installed on a permanent foundation; and (2) vehicles which distribute food and drink as they are driving throughout the community (i.e. mobile ice cream trucks).
- (C) *Mobile Food Vendor*: An operator of a mobile food vehicle who has obtained, or intends to obtain, a license or permit from the City to operate a mobile food vehicle.
- (D) *Mobile Food Court*: A private property which has been approved under the provisions of this Ordinance for the operation of two (2) or more mobile food vehicles as a principal use. Mobile food courts shall function as a single business and may include areas for tables, play areas, a permanent structure for alcohol sales, and other outdoor entertainment options.
- (E) *Mobile Food Site*: A private property which has been approved under the provisions of this Ordinance for the operation of a single mobile food vehicle as an accessory use.

Section 10.2202 – Approvals Required

- (A) A **private property owner** intending to designate their property as a **mobile food site** shall obtain the following approvals:
 - 1. *Mobile Food Site Approval*. The property owner shall apply for mobile food site approval in accordance with **Section 10.2203**, below. Mobile food site approval constitutes general zoning approval for the operation of a mobile food vehicle as an accessory use on the site.
- (B) A **private property owner** intending to designate their property as a **mobile food court** shall obtain the following approvals:
 - 1. *Special Use Approval*. The property owner shall apply for special use approval under the provisions of **Section 10.201** and satisfy the mobile food court standards in accordance with **Section 10.2204**, below.
 - 2. *Site Plan Approval*. Upon receiving special use approval through City Council, the property owner shall apply for site plan approval under the provisions of **Section 10.514** and satisfy the mobile food court standards in accordance with **Section 10.2204**, below.

(C) A **mobile food vendor** shall obtain the following prior to operating a **mobile food vehicle** within the City of Madison Heights:

1. *Mobile Food Vendor Certificate of Occupancy.* Mobile food vendors shall obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they operate in accordance with Section **10.2205**.
2. *Business License.* Mobile food vendors shall obtain a business license from the City Clerk in accordance with **Chapter 7** of the Code of Ordinances of the City of Madison Heights.

Section 10.2203 – Mobile Food Sites

Any person intending to create and designate a mobile food site as an accessory use on their property shall first obtain mobile food site approval in accordance with the following provisions. This section does not apply to mobile food courts.

(A) *Locational Requirements.* Mobile food sites shall satisfy all of the following locational requirements:

1. The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.
2. The property shall contain a principal building or use. A mobile food site shall be deemed an accessory use of a property.
3. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property containing an existing brick and mortar restaurant, measured from the mobile food vehicle service window to the nearest property line of the property containing such brick and mortar restaurant(s). The 100 foot separation requirement shall only apply on the same linear block face as the mobile food vehicle. The following exceptions apply:
 - a. This standard may be waived if all of the affected brick and mortar restaurant(s) submit a letter to the Community and Economic Development Department indicating that they choose to waive the 100 foot separation requirement.
 - b. A brick and mortar restaurant owner may operate a food truck at the site of their own brick and mortar restaurant upon satisfying the remaining locational and general requirements of this Ordinance.
4. The area dedicated for the operation of a mobile food vehicle shall be located a minimum of 100 feet from a property zoned R-1, R-2, R-3 or R-M, measured from the mobile food vehicle service window to the nearest property line of the residential property. A mobile food site may be established within 100 feet of a property zoned R-1, R-2, R-3 or R-M as a special use, in compliance with the process outlined in Section 10.201.

(B) *General Requirements.* A mobile food site shall satisfy the following general requirements:

1. No more than one (1) mobile food vehicle may operate or be placed on a mobile food site at one time. Only one (1) mobile food vehicle pad may be designated on the site plan.
2. The designated mobile food vehicle pad shall be located a minimum of 15 feet from any fire hydrant and 5 feet from any property line, driveway, sidewalk, utility box or vault, accessible ramp, building entrance or exit, or emergency call box.
3. The designated mobile food vehicle pad shall be on a paved surface.
4. The placement of the mobile food vehicle shall not reduce the availability of the minimum number of parking spaces required for the principal use on site nor impede vehicular or pedestrian circulation on site.
5. No portion of the mobile food vehicle shall hang over a public right-of-way or interfere with clear vision triangles.
6. An outdoor seating area may be designated consisting of portable tables and a seating capacity of eight. Outdoor seating areas shall not be placed within the right-of-way and shall not impede vehicular or pedestrian circulation in site.

(C) *Submittal Requirements.* A private property owner intending to designate their property as a mobile food site shall submit the following:

1. *Mobile Food Site application.*
2. *Site Plan.* Dimensioned site plans shall be 11" x 17" in size and shall denote, at minimum, the following:
 - a. Street, curbs, sidewalks and property lines.
 - b. The zoning classification of the subject site and adjacent sites.
 - c. Existing building footprints with tenant spaces labeled.
 - d. Existing accessory structures and refuse container footprints.
 - e. Parking spaces and drive aisles.
 - f. The general layout and dimensions of the mobile food vehicle pad.
 - g. The location and surface material of all paved areas.
 - h. The on-site storage location of the mobile food vehicle during non-operational hours, if applicable.
 - i. The location of fire hydrants.
 - j. The location of on-site water, generator and/or electric utilities that will serve the mobile food vehicle.
 - k. The location of any designated outdoor seating areas.
 - l. Sufficient details to demonstrate that the locational and general requirements of Section 10.2203(A) and (B) can be satisfied.
3. *Restaurant Map.* A map identifying existing brick and mortar restaurants within a 150-foot radius of the subject property.

(D) *Site Plan Review Committee (SPRC) Approval:* All applications and associated site plans for proposed mobile food sites shall be forwarded to the Site Plan Review Committee for review and approval.

(E) *Annual Approval Required.* Mobile Food Site approval shall be valid for a period of one (1) year. Property owners shall be required to apply for mobile food site approval annually under the provisions of this Ordinance.

Section 10.2204. Mobile Food Courts

Any person intending to create and designate a mobile food court as a principal use on their property shall first obtain mobile food court approval in accordance with the following provisions.

(A) *Special Use Approval Required.* Mobile food courts shall be deemed a principal use of the property and shall require special use approval in accordance with the provisions of **Section 10.201** and the standards of this Ordinance.

(B) *Site Plan Approval Required.* Upon receiving special use approval, the property owner shall obtain site plan approval in accordance with the provisions of **Section 10.514**.

(C) *Locational Requirements.* Mobile food courts shall satisfy the following locational requirements: The property shall be zoned O-1, B-1, B-2, B-3, M-1 or M-2 and shall be located within the boundaries of the Southend Downtown Development Authority (DDA) district.

(D) *General Requirements.* A mobile food court shall satisfy the following general requirements:

1. The mobile food court site plan shall designate a minimum of two (2) and a maximum of eight (8) pads for the operation of mobile food vehicles. All mobile food vehicle pads shall be on a paved surface.
2. Permanent structures shall satisfy the setback, height, and lot coverage requirements contained in *Section 10.400 – Schedule of Regulations*.
3. *Outdoor Seating Areas.* Outdoor seating areas shall be set back a minimum of 40 feet from any property line that abuts a residential zoning district. Outdoor seating areas facing residential districts shall be screened by a minimum 8 foot-high solid obscuring wall.
4. *Landscaping.* The site plan shall satisfy the landscaping and screening requirements contained in *Section 10.510 – Landscaping and Screening*.
5. *Parking.* A minimum of two (2) parking spaces shall be required per each individual mobile food vehicle pad on site. Parking dimensions and design shall satisfy the requirements of *Section 10.505 – Parking Requirements*.
6. *Lighting.* On-site exterior lighting shall satisfy the provisions of *Section 10.512 – Exterior Lighting*.
7. *Restrooms.* Permanent restroom facilities shall be provided within the boundaries of the mobile food court in accordance with the Michigan Plumbing Code.

8. *Water requirements.* Water hookup/access shall be provided for each individual mobile food vehicle pad on site.
 9. *Electrical requirements.* Electricity access shall be provided for each individual mobile food vehicle pad on site. Portable generators are prohibited.
 10. *Signs.* A master sign plan for the mobile food court shall be submitted for review and approval as part of the site plan approval process. The plan shall provide information relating to permanent signs for the mobile food court, as well as individual signs for each business. Permanent ground and wall signs shall satisfy the standards of Section 10.511 – Sign Regulations.
 11. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
 12. Alcohol sales shall only be permitted from a permanent structure on-site.
- (E) *Submittal Requirements.* A private property owner intending to operate a mobile food court as a principal use shall submit the following:
1. A Special Use Approval application, in accordance with Section 10.201.
 2. A Site Plan application, in accordance with the procedures and submittal requirements of Section 10.514. In addition to the requirements of Section 10.514, the site plan shall denote the following:
 - a. The location and orientation of each mobile food vehicle pad and each permanent structure.
 - b. The location of any paving, turf or lawn areas, and any pedestrian areas for use by tenants or the public.
 - c. The location of all fire lanes.
 - d. The location of fire hydrants.
 - e. Lighting Plan.
 - f. The location and type of water supply and electrical outlet(s) provided for each mobile food vendor pad.
 - g. Signage plan.

Section 10.2205 – Mobile Food Vendor Certificate of Occupancy

A mobile food vendor must obtain a certificate of occupancy for each mobile food site and/or mobile food court in which they intend to operate in accordance with the following provisions.

- (A) *Operational Requirements.* Mobile food vendors shall comply with the following operational requirements:
1. Mobile food vendors shall only be permitted to operate from a mobile food site approved in accordance with Section 10.2203 or a mobile food court approved in accordance with Section 10.2204.

2. Mobile food vendors shall not operate at a mobile food site or a mobile food court without first obtaining written approval from the private property owner.
3. Mobile food vehicle placement and operation shall comply with the approved site plan for each mobile food site or mobile food court.
4. Mobile food vendors shall maintain a valid business license issued by the City Clerk, and shall display such license on the mobile food vehicle.
5. Mobile food vendors shall maintain a food service license from the Oakland County Environmental Health Division, and shall display such approval on the mobile food vehicle.
6. During non-operational periods in excess of 24 hours, the mobile food vehicle and associated equipment (i.e. tables and signs) shall either be removed from the mobile food site or moved to a location on-site that is not readily visible from the public right-of-way. The on-site storage location shall be shown on the mobile food site plan. This provision shall not apply to approved mobile food courts.
7. Food preparation shall not occur outside of the mobile food vehicle, except for the use of a grill or smoker directly attached to the mobile food vehicle. Condiments may be placed on a shelf attached to the vehicle.
8. A minimum of one (1) trash receptacle shall be provided and emptied daily. The mobile food vendor shall be responsible for daily disposal of all trash, refuse, and litter. The property and all adjacent streets and sidewalks shall be kept free and clear of refuse generated by the operation of the mobile food vehicle.
9. Sales of alcoholic beverages are prohibited from a mobile food vehicle.
10. Mobile food vehicles may be painted with signage or have permanent signage directly affixed to the vehicle. One (1) sandwich board "A-frame" sign shall be permitted within four (4) feet of the mobile food vehicle. Signage shall not project from the vehicle or be illuminated. Permanent freestanding signage is prohibited.
11. Flashing, blinking or strobe lights are prohibited.
12. External speakers or live entertainment may be permitted up to the close of business and shall not exceed 65 decibels at non-residential property lines and 25 decibels at residential property lines.
13. A mobile food vehicle may utilize an existing electrical connection to the principal use/building on site. An electrical permit shall be required for any modification of the existing electrical system. Portable generators are prohibited at mobile food courts. Utilities shall not be drawn from a public right-of-way.

14. Permanent connections to water and sanitary sewer lines and mains are prohibited.

(B) *Submittal Requirements.* A mobile food vendor intending to obtain a certificate of occupancy shall submit the following:

1. Mobile Food Vendor Certificate of Occupancy application.
2. Written approval from the property owner of the mobile food site or mobile food court to operate on said property.
3. A copy of the approved food license from the Oakland County Environmental Health Division.
4. A copy of the approved Madison Heights business license.
5. A written description of the nature of the proposed use, including the business name, methods of food preparation and cooking, electrical hookup, frequency, duration, and hours of operation.
6. Details of the mobile food vehicle, including the type, dimensions, elevation drawings or photos, and details of any furniture or other physical features associated with the proposed use.
7. A copy of the approved mobile food site plan or mobile food court site plan, marked up to denote the location of trash receptacles, signs, tables, generators, outdoor cooking appliances, and any other associated activity.

(C) *Annual Renewal Required.* Certificates of Occupancy shall be valid for a period of one (1) year after issuance. Certificates of Occupancy may be renewed annually.

(D) *Revocation of Certificate of Occupancy.* An approved mobile food vendor Certificate of Occupancy may be revoked by the Community and Economic Development Director upon a proper showing that the operation of the mobile food vending unit is not in compliance with the approved mobile food site plan or upon a proper showing that the operation of such use has become detrimental to the health, safety and general welfare of the city, residents or surrounding business or property owners.

Section 2. Repealer

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 3. Severability

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

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

Section 6. Enactment

A copy of this ordinance may be inspected or purchased at the City Clerk's office between the hours of 8:00 a.m. and 11:30 a.m. and 12:30 p.m. and 4:30 p.m. on regular business days.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-181. MINUTES

Motion by Councilor Rohrbach, seconded by Councilwoman Aaron, to approve the Special City Council meeting minutes of April 11, 2022, Special City Council meeting minutes of May 9, 2022, and the Regular City Council meeting minutes of May 9, 2022 as printed.

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

Absent: Councilman Fleming

Motion Carried.

CM-22-182. MAYOR AND COUNCIL COMMENTS

Councilwoman Aaron expressed thanks to all the police officers for their work on behalf of the City and expressed congratulations to the Madison Heights Women's Club on their 45th Anniversary. She stated that today would have been her maternal grandmother's birthday, and she always said "be your best and people will know your name." She hopes she is living up to her expectations. She spoke regarding the mental health event held prior to this meeting and thanked the participants and speakers. Mental health goes beyond the month of May and stated that she would like to continue the panel discussion.

Mayor Pro Tem Bliss congratulated all of the officers recognized this evening; their courage and work discussed tonight is just the tip of the iceberg and noted that the appreciation expressed doesn't stop with the commendations tonight. He stated he appreciates the Women's' Club and congratulated them on their honor and their anniversary. They are incredibly generous with their time, talent and deeds and we are

lucky in the community to have them. He stated he is excited to announce that the Michigan Municipal Review magazine has a story on the City's Trail Tunes event and thanked everyone who has donated to make these events happen. He expressed Happy Anniversary wishes to his wife of 15 years.

Councilor Wright expressed congratulations to the recipients of the Madison Heights Police Department commendations and stated he is proud and happy to hear their stories. He congratulated the Madison Heights Women's Club on their anniversary and commented that their work is fantastic and a good example for the community. Information regarding the Juneteenth event is on Facebook and Instagram and this will be a fantastic event which celebrates America's freedom for all. He noted that he attended the Active Adult Advisory Board meeting and wanted to let them know we hear you and we know you care about this community. He stated he believes we need to take the stigma out of mental health and we need to deal with mental health every day. We also need to take the extremes out of mental health talk. There are resources out there for those that are interested; mental health has to be addressed or it will come out in other ways. He spoke regarding the terrorist attack in Buffalo, New York where someone felt so strongly in their views that they took action and people died for no reason other than they looked different. This is a reality that we need to recognize and we need to love and embrace our differences and not see them as divisive. We have to understand what it means to be different and how it impacts your life. God bless those families that lost their loved ones and those that lost their life. Please remember to be kind.

Assistant City Attorney Sherman stated that 901 E Ten Mile Road has been demolished and the next step is for 949-959 E Ten Mile Road to be demolished.

City Manager Marsh announced that the next Council meeting will be held at the Fire Station 1 Training Room on June 13th due to the City renovation project. Meetings will continue to be held there until January. She congratulated members of the Police Department that received commendations and noted that there are great men and women in the department. She expressed congratulations to the Women's Club and stated that she appreciates the entire group. This Saturday is the Memorial Day celebration at 10 a.m. to remember those that have given their lives for this country.

City Clerk Rottmann stated that the absentee ballot applications have been mailed to those on the City's permanent absentee application list. She noted this was her 8-year work anniversary with the City and stated it was a great place to work.

Councilor Rohrbach concurred with all the Council comments this evening. Thank you to the Police Department for their work saving lives and keeping us safe. Thank you to the Women's Club for all their work. The Parks and Rec Advisory Board Treads on Tuesday walking club is at 6 p.m. and rotates in the City parks; this week the club will be walking at the Nature Center. The Arts Board and Human Relations and Equity Commission are co-sponsoring and planning the Madison Heights Arts and Pride picnic at Civic Center Park on June 24th. She noted June will be a busy month for activities including the Bike Rodeo, Juneteenth, Arts and Pride Picnic and the Festival in the Park. She thanked Council for adding the Gun Violence Awareness Day Proclamation to tonight's agenda.

Councilman Soltis stated that our Police Officers are nothing short of spectacular. He stated that he has gone on a ride-along and spoke of his experience and respect for our City's police work. Senior citizens are in need. They are having problems paying for their medication and paying property taxes and we need strong voices in Lansing to represent them. We need to honor our seniors and repay them for their hard work. He congratulated the Women's Club, this is a great group and they do wonderful work.

Mayor Grafstein concurred with Council's comments on the Police and the Women's Club. Memorial Day is this weekend, the Festival in the Park is back, and the City-wide Garage Sale and Bike Rodeo are on June 11th. There are lots of activities in the next month, and she encourages everyone to get out and enjoy. She thanked Councilwoman Aaron for hosting the mental health event this evening and agreed that we do need to have more outreach with mental health. She stated that we have an Islamic Center as well as a Chinese Cultural Center and both are very welcoming. She stated that 26% suffer from mental illness and we need to treat it as a serious illness and there is a huge need for professionals in this area. The next Council meeting is on June 13th at the Fire Station 1 Training Room.

CM-22-183. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

Roslyn Grafstein
Mayor

Cheryl E. Rottmann
City Clerk

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