

DATE: June 5, 2025
TO: City Council
FROM: Melissa R. Marsh, City Manager
SUBJECT: Agenda Comments – Regular Council Meeting of Monday, June 9, 2025

PUBLIC HEARINGS:

MERS DEFINED CONTRIBUTION WITHDRAWAL AND TRANSFER AGREEMENT

This public hearing is scheduled to receive public comments on the proposed Municipal Employees' Retirement System of Michigan (MERS) Defined Contribution (DC) Withdrawal and Transfer Agreement. As required by MERS Retirement Board Termination Policy and Procedure, the process to withdraw from this DC plan requires public notice at two consecutive regularly scheduled meetings of the City Council. The first public hearing is scheduled for today, and the second is planned for June 23, 2025. The Resolution to Terminate Participation in the MERS 401(a) Defined Contribution Plan has been drafted which, if approved at the June 23, 2025 meeting, will permit the city to execute the MERS Withdraw and Transfer Agreement.

Following this first public hearing, staff recommends that the City Council authorize the Mayor and City Clerk to sign the MERS Withdrawal and Transfer Agreement, on behalf of the city, and for City Council to schedule a second public hearing on June 23, 2025.

CONSENT AGENDA:

CLINTON RIVER WATERSHED COUNCIL - STORMWATER EDUCATION PROGRAM

Madison Heights partners with the Clinton River Watershed Council (CRWC) to provide stormwater education programming required to meet our MS4 permit requirements for public education. Recently CRWC has worked with municipal partners to update their offerings and have adjusted their contract cycle to align with permit renewals. Therefore, a new 5 1/2-year contract has been submitted for your consideration.

Staff and I recommend the City Council approve the contract with Clinton River Watershed Council effective October 1, 2025, to provide educational services as required by the City of Madison Heights MS4 permit and authorize the Mayor and City Clerk to sign on behalf of the City.

2025 LRIP GRANT COST PARTICIPATION AGREEMENT

For the past nine 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, and to maintain and revitalize areas of economic importance. Oakland County has offered the program again for 2025, and we have been awarded the maximum grant amount of \$84,485 for sectional concrete repairs on various alleyways throughout the city. The LRIP grant will be applied to this project, which will offset a budgeted project cost of \$264,437.

Staff recommends that the City Council approve the Cost Participation Agreement for the 2025 Oakland County Road Improvement Program (LRIP) and authorize the Mayor to electronically sign on behalf of the city.

2025 WEST NILE VIRUS RESOLUTION

The Council is requested to approve the Resolution enabling the Department of Public Services to request the annual West Nile Virus Fund Expense Reimbursement from Oakland County.

PROFESSIONAL SERVICES AGREEMENT BETWEEN AZAVAR AND THE CITY OF MADISON HEIGHTS FOR A FRANCHISE FEE AUDIT

Staff is requesting Council's consideration of a Professional Services Agreement with Azavar to conduct an audit of franchise fees collected by Wide Open West and Comcast cable companies to be paid the city to make sure the city receives what is contractually obligated. This will be done at no cost to the city and any fees recovered will be split 37% to Azavar and 63% to Madison Heights. If nothing is recovered, we do not have to pay. There is a 36-month payment period from when the recovered funds begin to be properly submitted (if applicable). Other municipalities, such as Rochester Hills have utilized Azavar's services. The City Attorney has reviewed and approved the contract.

Staff recommends approval of a Professional Services Agreement with Azavar for a franchise fee audit for the City of Madison Heights and authorize the City Manager to sign on behalf of the city.

PLAYGROUND MULCH INSTALLATION

The FY 2024-25 budget includes funding reallocated for replacing the playscape soft-fall surfaces at several parks. These soft-fall areas have grown significantly larger as the city

installs more sophisticated playground areas and requires the assistance of a contractor and specialized equipment to properly maintain them. As actual cubic yardage may vary, Staff is requesting approval of an amount not-to-exceed \$50,000.

Staff recommends that City Council award the bid for Playground Mulch Installation to the lowest qualified bidder, Superior Groundcover Inc., of Grand Rapids, for a unit cost of \$34.95 per cubic yard, not to exceed \$50,000.

REPORTS:

ROW PROPERTY ACQUISITION- UNITED METHODIST CHURCH SIGN

In November 2024, City engineers conducted surveying in preparation for the 2025 11 Mile Streetscape Project and confirmed that the property line for the United Methodist Church at 241 E 11 Mile Rd is at the existing sidewalk, unlike every other block in the project area. While it is possible to include on-street parking for the streetscape project without additional Right-of-Way, obtaining the additional Right-of-Way would match existing Right-of-Way on adjacent blocks and ensure a more uniform look in the project area and provide room for pedestrian amenities. The Downtown Development Authority and the Church have agreed to grant the Right-of-Way to the city in exchange for the DDA paying for the construction of a new church sign at an estimated cost \$12,575.

Staff and I recommend that the City Council authorize the City Manager and Clerk to sign the Property Transfer Agreement and Quit Claim Deed for the acquisition of 27ft of Right-of-Way for the sum of one and 00/100 (\$1.00) dollar. In exchange for this additional Right-of-Way, it is understood that the Madison Heights Downtown Development Authority shall bear all costs of the removal and replacement of the United Methodist Church sign.

SPECIAL LAND USE REQUEST #PSP 25-02 - 436 E. 14 MILE ROAD - MAJOR AUTO REPAIR AND SERVICE

The applicant, Joseph Gorial, requests Special Land Use approval from the City Council under Section 15.05 of the Madison Heights Zoning Ordinance to operate a Major Auto Repair and Service use at 436 E. 14 Mile Road, zoned M-1, Light Industrial. The property is located on the south side of 14 Mile Road, east of Townley Street.

The Planning Commission held the required public hearing on May 20, 2025, and recommended approval, with conditions of the Special Land Use request.

Staff recommends a motion to approve/disapprove the Special Land Use request number PSP 25-02 for a major auto repair and service facility at 436 E. 14 Mile Road based upon the Planning Commission findings and with the following conditions:

1. A Minor Site Plan shall be submitted to the Community and Economic Development Department in accordance with Section 15.04 of the Zoning Ordinance. The Minor Site Plan, when submitted, shall be designed to satisfy the following:
 - a. The site shall meet the minimum Frontage Landscaping requirements contained in Section 11.05. Administrative waivers may be accommodated to comply with DTE pruning requirements for the nearby overhead wires.
 - b. The site plan shall denote locations for customer/employee parking, parking for vehicles awaiting repair, and any outdoor storage.
 - c. The designated ADA parking space/aisle shall be increased to a width of 16 feet in accordance with ADA standards and shall be shifted out of the drive aisle.
 - d. A detailed floor plan shall be provided which denotes the number of hoists or service bays within the building.
 - e. Lighting will be adjusted to ensure no trespassing of light and allow the building department to determine if a photometric plan is required.
2. The Minor Site Plan and use shall satisfy the use-specific standards for auto repair and service facilities contained in Section 7.03.2 and attached to the staff report. The use-specific operating conditions shall be listed on the final Certificate of Occupancy.
3. The Community and Economic Development Department is responsible for approving compliance with the conditions noted above.

BID AWARDS/PURCHASES:

ANNUAL MICROSOFT LICENSES

Skynet Innovations, the City's IT Contractor, is requesting approval of the purchase of the Microsoft 365 P1 Azure Active Directory, G1 Office, and G3 Office annual licenses for City staff. P1 licenses include Outlook and encryption.

Staff recommends approval of the purchase of Microsoft P1, G1 and G3 licenses in the amount of \$63,432.00.