

DATE: October 5, 2022

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, October 10, 2022

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, October 10, 2022.

PRESENTATIONS

RESOLUTION DECLARING THE SECOND MONDAY IN OCTOBER AS INDIGENOUS PEOPLES DAY IN MADISON HEIGHTS

City Council is scheduled to declare the second Monday in October, October 10th, as Indigenous People's Day in Madison Heights.

PUBLIC HEARINGS

ORDINANCE 2187 - REZONING REQUEST PRZN 22-03 - 29022 STEPHENSON HWY. – REMOVAL FROM PRIMARY CAREGIVER MARIHUANA GROW OVERLAY DISTRICT, SECOND READING

Staff requests to remove three (3) parcels of land at 29022 Stephenson Highway from the Caregiver Marihuana Grow Overlay District.

In 2019 and 2020, the City of Madison Heights adopted the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances. These marihuana ordinances explicitly limit the establishment of medical and recreational marihuana facilities meeting distance guidelines in the M-1, Light Industrial, or M-2, Heavy Industrial. Following the adoption of the Medical Marihuana Facilities and Adult-Use Marihuana Facilities ordinances, the applicable parcels were included in an Allowed Parcels Map that automatically changes when properties are rezoned and no longer meet the ordinance requirements. Under a separate ordinance, the City also created a new zoning for Caregivers which included a Caregiver Marihuana Grow Overlay District. While the boundaries of this Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. The Caregiver Overlay District text does not state that caregivers must be located within an underlying M-1 or M-2 district, but only that, "a registered primary caregiver shall not cultivate medical marihuana at a parcel that is not located within the Caregiver Marihuana Grow Overlay District."

Therefore, when City Council recently rezoned the subject parcels from the M-1, Light Industrial, zoning district to the B-3, General Business zoning district these parcels were effectively removed from the Allowed Parcels Map associated with the Medical Marihuana and Adult-Use Marihuana Facilities Ordinances but remain in the stand-alone Caregiver Overlay District.

City staff is requesting that the subject parcels be removed from the Caregiver Marihuana Grow Overlay District in order to reflect their new underlying B-3 zoning designation. Based on the Planning Commission's findings and recommendation, the staff recommends that City Council adopt Ordinance # 2187 (PRZN 22-03) upon a second reading.

REPORTS

RESOLUTION TO OPT-OUT OF PA 152

Public Act 152, as amended, limits the amount that public employers pay toward employee medical benefit plans. Beginning January 1, 2023, the City Council is required to make an election for this choice of compliance for the subsequent calendar year. Given that all the City's Collective Bargaining Agreements approved by City Council provide for a 10% employee premium sharing, Council is requested to opt-out of PA 152 as allowable under that statute for the calendar year.

ANIMAL CONTROL AND SHELTER OPERATIONS WITH OAKLAND COUNTY

As part of the 2021 strategic planning goals, City Council adopted goal 1.3 to Enhance Animal Control and Shelter Operations which included looking at shared animal control services. Following this Council direction, staff regularly evaluated opportunities and has recently reviewed the pros and cons of partnering with Oakland County Animal Control for some of our animal control services while retaining our in-house animal control officer.

These services would be provided by Oakland County at no additional cost and would actually result in significant savings to the City for multiple animal services that currently hold a fee for use such as animals that are currently transferred to Oakland County. Under the terms of this agreement, Oakland County would provide one (1) full-time animal control officer to the city between the hours of 8:00 a.m. – 4:30 p.m. Monday – Friday. In addition, they will be responsible for all costs associated with dogs transferred to Oakland County and cat abuse or hoarding complaints. The City's current animal control officer will also be retained to handle barking dogs, wildlife, and road kill.

The majority of these services are already paid by residents to Oakland County through their county taxes however residents would still be required to purchase a dog license through Oakland County. The Madison Heights Clerks office would facilitate these services to our residents through June, helping with the transition to online services. Further staff will continue to be available to assist residents that may not be able to access online services.

Staff will be working with Oakland County to assist low-income residents who may have difficulty complying with the new Oakland County fee structure.

Therefore, the staff and I recommend City Council approve the coordination with Oakland County animal control effective November 1, 2022, staff will follow up with a one-year assessment of this program.

BID AWARDS/PURCHASES

CIVIC CENTER PLAYScape GRANT/PURCHASE

The FY 2023 Budget includes funding for the replacement of the aged play structure at Civic Center Park. This structure was installed in FY 2001 and has reached the end of its useful life. The DPS staff is already planning its removal within the next month due to its degraded condition and lack of availability of parts.

Again this year Adam Owczarzak and Sean Ballantine applied for the 2022 GameTime matching grant through Sinclair Recreation for the Civic Center Park playscape. It is our pleasure to report that we were awarded this grant, providing a total savings of \$70,793 for Civic Center Park playscape allowing us to install an exciting custom ramped structure that meets ADA and UA standards for children of all abilities.

The proposal for this GameTime structure through Sinclair Recreation is based on cooperative pricing through the Omnia Partners purchasing consortium. Staff, therefore, recommends that Council consider two motions.

- To accept the 2022 GameTime Matching Funds Grant in the amount of \$70,792.68.

To award the purchase of the Civic Center Park Playscape to Sinclair Recreation, of Holland, Michigan, in the total amount of \$174,789.92. Funds are budgeted and available.

ORDINANCES

ORDINANCE 2188 - ZONING TEXT AMENDMENT ZTA 22-02 – CAREGIVER MARIHUANA GROW OVERLAY DISTRICT AMENDMENT – FIRST READING

Ordinance 2188 is a zoning text amendment to limit primary caregiver marihuana grow operations to properties that are zoned M-1, Light Industrial, or M-2, Heavy Industrial, and located at a parcel identified within the Caregiver Marihuana Grow Overlay District.

The existing Caregiver Overlay District allows for the establishment of individual registered marihuana caregivers on parcels identified within the associated Overlay District map. While the boundaries of the Caregiver Overlay District were intended to mirror that of the Allowed Parcels Map, the Overlay District map is technically a stand-alone map with separate zoning regulations. Therefore, to ensure that marihuana primary caregivers only operate on properties with industrial zoning designations and to provide consistency between all three marihuana ordinances, the staff recommends the attached minor zoning text amendment.

The proposed text amendment states that registered primary caregivers shall be located within an M-1 or M-2 Industrial District and shall be located at a parcel identified within the Caregiver Marihuana Grow Overlay District. At their September 20th, 2022 meeting, the Planning Commission recommended approval of the proposed text amendment, as written.

Therefore, the staff recommends that City Council adopt Ordinance #2188 (ZTA # 22-02) upon the first reading and schedule the second reading for the October 24th, 2022 City Council meeting.

ORDINANCE NO. 2189, STORMWATER ORDINANCE UPDATE – FIRST READING

The City of Madison Heights is required to implement a post construction stormwater management program that meets the Municipal Separate Storm Sewer System (MS4) permit requirements as provided by the Michigan Department of Environment, Great Lakes and Energy (EGLE). EGLE requires that the City of Madison Heights adopts an ordinance or other suitable regulatory mechanisms, or develop design standards to control stormwater following construction activities and ensure long-term maintenance of stormwater controls.

Therefore, Staff and I recommend City Council approve Ordinance 2189 on first reading, and schedule the second reading for October 24, 2022.