

DATE: October 19, 2023

TO: City Council

FROM: Melissa R. Marsh, City Manager

SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, October 23, 2023

The following are my comments on items appearing on the agenda of the Regular Council Meeting on Monday, October 23, 2023.

PRESENTATION:

RESOLUTION CONDEMNING HAMAS FOR ATTACKS

At the request of Mayor Grafstein, City Attorney Jeff Sherman will present a resolution for City Council's consideration condemning Hamas for intentionally killing civilians, raping women, and taking hostages.

CONSENT AGENDA:

It is the recommendation that the City Council approve the following items as part of the Consent Agenda:

PROCLAMATION INTERNATIONAL ARTIST DAY – HONORING JENNIFER RAMIREZ

City Council is scheduled to proclaim October 25, 2023, as International Artist Day, recognizing Jennifer Ramirez and hosting special events, including a "Color with Jen" and an Appreciation Reception at the Public Library.

INTERLOCAL AGREEMENT WITH OAKLAND COUNTY FOR INFORMATION TECHNOLOGY

The City has an Interlocal Agreement with Oakland County to participate in shared services such as CLEMIS, Geographic Information Systems (GIS), ArcGIS Online, and Assessing and Treasury Services. Staff recommends that City Council approve the Interlocal Agreement with Oakland County for Information Technology Services and authorize the City Manager to sign on behalf of the City.

RESIGNATION PARKS AND RECREATION BOARD - BUSCH

Staff has received a letter of resignation from the Parks and Recreation Board from Mary Busch. Council is being requested to accept this resignation and declare the seat vacant.

BID AWARDS/PURCHASE:

DPS DIRECTOR – DPS FACILITY PAVEMENT REPAIRS.

Over the last several budget cycles, DPS has phased replacement of the failing pavement around the building and yard. This phased approach allowed us to reduce the impact on

the budget and allow normal DPS operations to continue while the work is being done. The next identified phase is the western driveway and staging areas.

Staff reached out to Nowak and Fraus, the City's consulting engineers, to measure and estimate the cost of this phase based on DiLisio's unit bid price for concrete. DiLisio was awarded the most recent bid for both the R-3 reconstruction and Major and Local Sectional paving projects. The scope of work is within the budgetary amount, and DiLisio will be able to replace the concrete this fall or in the spring if the weather changes.

This phase of pavement repair corrects significant drainage issues, as well as provides a staging pad for the large plows and other equipment, which currently sink into the gravel. A permanent concrete brine containment unit is also being constructed as part of the project, replacing the temporary plastic and wood structure currently in place. These repairs will bring the DPS into regulatory compliance as it relates to brine storage and runoff prevention.

Staff recommends that the Council award the contract for the DPS Pavement Repairs to DiLisio Contracting of Clinton Township, Michigan, in a project amount of \$310,000.64. Funding is budgeted and available.

ORDINANCES

ORDINANCE NO. 2196 MEDICAL MARIHUANA FACILITIES AMENDMENT

In accordance with the Council's motion to approve the recommendation of MMRMA special counsel regarding the resolution of litigation in the matters of Artic Fox LLC vs City of Madison Heights and 305 N. Euclid LLC vs. City of Madison Heights, two ordinance amendments are required.

Ordinance 2196 amends Article XVI MEDICAL MARIHUANA FACILITIES Section 7-305(d) License Requirements to adjust the number of medical marihuana facility licenses for Grower – Class C, Processor and Provisioning Center from three (3) to five (5). The revision also clarifies that if a license is vacated or revoked, the City is not required to re-issue such license to an alternate party. It would be at the Council's discretion to leave that license open indefinitely or seek applicants for it.

Revisions to the Green Zone Map regarding the allowable locations for marihuana licensees within the City are planned to be addressed after this Second Reading of the ordinance amendments via a separate authorizing resolution.

ORDINANCE NO. 2197 MARIHUANA LICENSING AMENDMENT

In accordance with the Council's motion to approve the recommendation of MMRMA special counsel regarding the resolution of litigation in the matters of Artic Fox LLC vs City of Madison Heights and 305 N. Euclid LLC vs. City of Madison Heights, two ordinance amendments are required.

Ordinance 2197 revises Article XVII MARIHUANA ESTABLISHMENTS Section 7-405(e) License Requirements to adjust the number of adult-use recreational marihuana establishment licenses for Processor and Retailer from three (3) to five (5). Additionally, Class C Grow licenses would be modified from fifteen (15) to twenty-five (25). The previously mentioned clarification language related to the vacating or revoking of licenses is also included for Marihuana establishment licenses in this amendment