

**CITY OF MADISON HEIGHTS  
300 W. 13 MILE ROAD  
REGULAR COUNCIL MEETING AGENDA  
APRIL 25, 2022  
7:30 P.M.**

**AGENDA:**

**CALL TO ORDER**

**ROLL CALL**

**INVOCATION – COUNCILMAN SOLTIS**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

1. Additions
2. Deletions

**PRESENTATIONS**

1. May 1-7, 2022 Drinking Water Week Proclamation
2. Michigan Association of Chiefs of Police Presentation of Madison Heights Police Department's Accreditation

**A – PUBLIC HEARINGS:**

1. Special Use PSP 22-02 – Madison Heights Civic Center Project, 300 W. 13 Mile Rd.

**ITEMS ON AGENDA OF INTEREST TO PARTIES IN THE AUDIENCE**

**B - MEETING OPEN TO THE PUBLIC:**

**C – COMMUNICATIONS:**

1. Alex Saints Foundation – Request for Local Governing Body Resolution for Charitable Gaming License
2. Cemone Moy and Jeremy Carroll - Resignations from Boards and Commissions

**D – REPORTS:**

1. DPS Director – 2022 Fireworks Permit
2. CED Director – Participation Agreement for MSHDA's Michigan Homeowner Assistance Fund (MIHAF)
3. Finance Director – Bond Authorizing Resolution – Madison Heights 2022 Capital Improvement Bonds

**E - ITEMS FOR FUTURE PUBLIC HEARINGS:**

**F - BID AWARDS/PURCHASES:**

1. Purchasing Coordinator – Fire Department Wellness Grant Equipment Purchase

**G - ORDINANCES:**

1. City Clerk – Ordinance No. 2180, Amendment to Precinct 8 Polling Location – Second Reading
2. City Attorney – Ordinance No. 2181, Medical Marihuana Ordinance Amendment

**H - UNFINISHED BUSINESS:**

**MINUTES:**

1. Special City Council meeting minutes of 04-11-22
2. Regular City Council meeting minutes of 04-11-22
3. Special City Council meeting minutes of 04-18-22

**J - EXECUTIVE SESSION:**

**ADJOURNMENT**

NOTICE: Persons with disabilities who qualify under the Americans with Disabilities Act needing accommodations for effective participation through electronic or other means in this meeting should contact the City Clerk at (248) 583-0826 or by email: [clerks@madison-heights.org](mailto:clerks@madison-heights.org) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

**DATE: April 19, 2022**

**TO: City Council**

**FROM: Melissa R. Marsh, City Manager**

**SUBJECT: Agenda Comments for the Regular Council Meeting of Monday, April 25, 2022**

The following are my comments on items appearing on the agenda of the Regular Council Meeting of Monday, April 25, 2022.

**P- PRESENTATIONS**

NUMBER 1: 2022 DRINKING WATER WEEK PROCLAMATION

The Mayor and City Council are scheduled to declare the week of May 1-7, 2022, as Drinking Water Week in the City of Madison Heights. For several decades the American Water Works Association has celebrated Drinking Water Week, a unique opportunity for both water professionals and the community to join together to recognize the vital role water plays in our daily lives.

NUMBER 2: MICHIGAN ASSOCIATION OF CHIEFS OF POLICE PRESENTATION  
OF MADISON HEIGHTS POLICE DEPARTMENTS  
ACCREDITATION

The Michigan Association of Chiefs of Police is scheduled to attend Monday's meeting to present the Madison Heights Police Department's Accreditation.

**A- PUBLIC HEARINGS:**

NUMBER 1: SPECIAL USE PSP 22-02 – MADISON HEIGHTS CIVIC CENTER  
PROJECT, 300 W. 13 MILE RD.

The City of Madison Heights is requesting special use approval for the Civic Center campus renovation project at 300 West 13 Mile Road. The site is currently zoned R-2, One-Family Residential. The project involved the renovation of the existing City Hall and Library Buildings as well as the new construction of the new Active Adult Center. Municipal uses are permitted in the R-2 district with special approval per Section 10.307 of the Zoning Ordinance.

City Council is requested to approve the special use approval of 300 West 13 Mile Road for the construction of the new Active Adult Center.

**C - COMMUNICATIONS:**

**NUMBER 1: ALEX SAINTS FOUNDATION – REQUEST FOR LOCAL  
GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING  
LICENSE**

Alex's Saints Foundation has submitted a request to obtain a Local Governing Body resolution from the City of Madison Heights as required by the State for the group's Charitable Gaming License to hold their annual Gala event in the City of Troy on May 20, 2022. The foundation has supplied all of the required documents necessary to approve of this request.

The City Attorney's Office, staff and I recommend that Council adopt the Resolution recognizing Alex's Saints Foundation as a legitimate non-profit organization.

**NUMBER 2: CEMONE MOY AND JEREMY CARROLL – RESIGNATIONS FROM  
BOARDS AND COMMISSIONS**

Cemone Moy has submitted her resignation from the Human Relations and Equity Commission with a term to expire on August 31, 2023.

Jeremy Carrol has submitted his resignation from the Parks and Recreation Commission with a term to expire on February 28, 2024.

Council is requested to accept these resignations and declare these seats vacant.

**D - REPORTS:**

**NUMBER 1: DPS DIRECTOR – 2022 FIREWORKS PERMIT**

The Department of Public Services is once again planning the upcoming Festival in the Park, which is scheduled for June 26, 2022. The permit application process for commercial, public fireworks displays requires approval by the legislative body,

Staff and I recommend that Council approve the permit for the 2022 Fireworks Display and authorize the Mayor to sign on behalf of the City.

NUMBER 2: CED DIRECTOR – PARTICIPATION AGREEMENT FOR MSHDA’S  
MICHIGAN HOMEOWNER ASSISTANCE FUND (MIHAF)

The Michigan State Housing Development Authority (MHSDA) established the Michigan Homeowner Assistance Fund (MIHAF) under the American Rescue Plan Act of 2021 (ARP) in order to mitigate financial hardships associated with the coronavirus pandemic. MIHAF provides up to \$25,000 in non-recourse grant funds to eligible entities for the purpose of preventing mortgage delinquencies, defaults, foreclosures, loss of utility services, or the displacement of homeowners experiencing financial hardship for the time period beginning on or after January 21, 2020, for qualified expenses related to mortgages and housing.

Eligible homeowners must be able to demonstrate and attest that they experienced a “Qualified Financial Hardship” on or after January 21, 2020 or that they experienced a “Qualified Financial Hardship” before January 21, 2020 that continued after that date. Eligible properties for this program include owner-occupied properties, including single-family homes and condos; 1-4 unit properties provided the homeowner is living in one of the units. Vacant properties, 2nd homes, investment properties or 1-4 unit properties where the homeowner has already received Emergency Rental Assistance Funds are not eligible for this program.

Therefore, staff and I recommend that City Council approve and authorize the City Manager to sign the MIHAF Provider Participation Agreement.

NUMBER 3: BOND AUTHORIZING RESOLUTION – MADISON HEIGHTS 2022  
CAPITAL IMPROVEMENT BONDS

Council is being requested to approve a resolution authorizing the issuance of Capital Improvements Bonds in the amount of \$6,500,000 specifically for the renovation and rebuilding of the City Hall, Library, Active Adult Center, and Fire Station #2.

**F - BID AWARDS/PURCHASES:**

**NUMBER 1: PURCHASING COORDINATOR – FIRE DEPARTMENT WELLNESS  
GRANT EQUIPMENT PURCHASE**

As you are aware, on July 26, 2021, the City of Madison Heights received notice that the Fire Department was awarded \$98,590 in grant funds through the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) to set up a wellness program for all sworn members of the Fire Department. This grant includes funding for medical examinations and fitness equipment which will benefit all of our sworn members of the Fire Department and help them maintain the level of fitness required for their strenuous job duties.

The grant specifications included authorization for the purchase of the following equipment to outfit both Fire Station #1 and Fire Station #2:

Rowing Machine: 2 @ \$2,808 each = \$5,616

Weight Benches: 2 @ \$3,000 each = \$6,000

Treadmills: 2 @ \$4,999 each = \$9,998

Exercise Bikes: 2 @ \$2,599 each = \$5,198

Total: \$26,812

Rogue Fitness holds a contract with U.S. General Services Administration (GSA – Contract Number GS-03F-0091W), and they were able to provide pricing BELOW the GSA Contract with a total quote of \$17,797 for all of the above-listed equipment. This is a savings of \$9,015 over expected costs.

Staff and I would respectfully request that Council approve the purchase of the fitness equipment listed in the quote from Rogue Fitness in the amount of \$17,797.32 and authorize the City to proceed with fulfilling its terms under the grant.

**G - ORDINANCES:**

**NUMBER 1: CITY CLERK ORDINANCE NO. 2180, AMENDMENT TO PRECINCT  
8 POLLING LOCATION**

In conjunction with the recently approved precinct boundary location changes, Lamphere Schools has agreed to let the City use John Page Middle School, 29615 Tawas St., as the permanent location for Precinct 8. Precinct 8 has been located at the Active Adult Center, which will not be available as a polling location in the future.

This will enable us to include the location change on the new Voter ID cards that will be sent out due to re-districting.

As required by the City Charter, Staff recommends approval of Ordinance 2180, Amendment to Polling Location, on the First Reading and schedule a Second Reading for April 25, 2022.

**NUMBER 2: ORDINANCE 2181 MARIHUANA LICENSE SCORING AMENDMENT**

At the request of the city, legal counsel has amended the medical marijuana license ordinance to allow for the city to move forward with selecting an applicant for the city's remaining medical / adult-use co-located facility license. Pursuant to section 7-406(b) of the city's code of ordinances, council may adopt a resolution to establish selection periods for accepting new applications for combined and co-located medical marijuana facilities and adult-use marijuana establishments where such licenses are available to be issued. At council's direction, city staff are working to initiate a new application period for the remaining license for a combined and co-located medical marijuana and adult-use marijuana facility. The scoring and selection of such a facility according to section 7-408 of article xvii marijuana establishments shall be determined by the criteria provided in article xvi medical marijuana facilities section 7-308 (scoring and selecting applicants). This allows the selection process for a medical marijuana 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 upon lessons learned during the initial marijuana licensing applications, staff is recommending adjustments to the original scoring to improve upon the selection process. In order to make these scoring alterations, section 7-308 must be amended to legally incorporate such adjustments.

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 marijuana/adult use marijuana license.

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



**MEMORANDUM**

**DATE:** Monday, April 18<sup>th</sup>, 2022

**TO:** Melissa R. Marsh, City Manager

**FROM:** Chris Woodward, Utilities Supervisor  
R. Corey Almas, Director of Public Services

**SUBJECT:** Proclamation – Drinking Water Week

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For several decades the American Water Works Association (AWWA) and its members have celebrated Drinking Water Week, a unique opportunity for both water professionals and the community to join together in recognizing the vital role water plays in daily lives. To commemorate the week, water utilities, water organizations, government entities, environmental advocates, schools and others throughout North America and beyond are encouraging consumers to learn more about the importance of water services and water infrastructure, especially in times of crisis.

Staff and I respectfully request that Council adopt the following proclamation declaring the week of May 1-7, 2022 as Drinking Water Week.

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**Department of Public Services**

City of Madison Heights  
801 Ajax Drive  
Madison Heights, Michigan 48071

p (248) 589-2294 | f (248) 589-2679

## PROCLAMATION

**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, drinking water serves a vital role in daily life, serving an essential purpose to health, hydration and hygiene needs for the quality of life our citizens enjoy; and

**WHEREAS**, tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS**, the hard work performed by the entire water sector, designing capital projects, operators ensuring the safety and quality of drinking water or a member of a pipe crew maintaining the infrastructure communities rely on to transport high quality drinking water from its source to consumers' taps; and

**WHEREAS**, the coronavirus pandemic has shone a light on the importance of drinking water for health, hydration and hygiene needs; and

**WHEREAS**, we are all stewards of the water infrastructure upon which current and future generations depend; and

**WHEREAS**, the citizens of our city are called upon to help protect our source waters from pollution, practice water conservation and get involved with their water by familiarizing themselves with it;

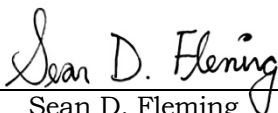
**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Madison Heights hereby proclaims May 1-7, 2022, as Drinking Water Week.



Roslyn Grafstein  
Mayor



Toya Aaron  
Councilman



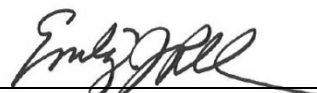
Sean D. Fleming  
Councilman



David M. Soltis  
Councilman



Mark Bliss  
Councilman



Emily J. Rohrbach  
Councilor



Quinn J. Wright  
Councilor

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

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Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	UNFINISHED BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

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Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
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**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



# MEMORANDUM

Date: April 13<sup>th</sup>, 2022  
To: City of Madison Heights City Council  
From: Matt Lonnerstater, AICP – City Planner  
Subject: Special Approval Request PSP 22-02 – 300 W. 13 Mile Rd. – Civic Center Campus Project

## Introduction

The applicant, the City of Madison Heights, requests special use approval for the Civic Center campus renovation project at 300 W. 13 Mile Road (PIN 44-25-02-476-012). The subject site is zoned R-2, One-Family Residential. The project involves the construction of a new Active Adult Center, renovations to the existing City Hall and Library Buildings, and site improvements. Municipal uses in the R-2 district are permitted through the special approval process per Section 10.307 of the Zoning Ordinance.

## Background and Analysis

The City of Madison Heights proposes to construct a new Active Adult Center at the Civic Center campus, 300 W. 13 Mile Road. The new Active Adult Center building is proposed as a connection between the existing City Hall and Library buildings, which will also be renovated. Additional site modifications are proposed, including improvements to on-site parking, circulation, and landscaping.

Per Section **10.307**, municipal buildings and libraries require special use approval within the R-2, One-Family Residential district.

Construction began on the current Civic Center campus in 1963. Based on historical zoning maps, the Civic Center campus area has been zoned for residential uses since the incorporation of Madison Heights in 1955.

Requests for special approval are subject to the following criteria, as outlined in Section **10.201(4)**:

*The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:*

- 1. Location of use(s) on site;*
- 2. Height of all improvements and structures;*
- 3. Adjacent conforming land uses;*
- 4. Need for proposed use in specified areas of the city;*
- 5. Conformance with future land use plans for the area as adopted by the planning commission;*
- 6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.*

Additional criteria for reviewing special uses are contained at the end of this report.

### Existing Zoning and Land Use

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

	Existing Land Use	Existing Zoning
<b>Site</b>	Municipal (City Hall, Library, Fire, Police, Court)	R-2, Residential
<b>North</b>	Civic Center Park	R-2, Residential
<b>South (across 13 Mile Rd.)</b>	Office	O-1, Office
<b>East (across Brush St.)</b>	Commercial/Restaurants	B-1, Local Business
<b>West</b>	Lamphere High School	R-2, Residential

The subject site is zoned R-2 which, per the Zoning Ordinance, is intended to *“provide for one-family dwelling sites and residentially related uses in keeping with the Master Plan of residential development in the City of Madison Heights.”*

### 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
<b>Site</b>	Public & Schools
<b>North</b>	Recreation
<b>South (across 13 Mile Rd.)</b>	Office
<b>East (across Brush St.)</b>	Office
<b>West</b>	Public & Schools/Recreation

The future land use designation of the subject site is ‘*Public & Schools*’. Per the Master Plan, the Public & Schools designation is intended to maintain the City’s history of quality public services and its system of neighborhood schools. The Master Plan calls out the Civic Center complex as an area that the City should maintain and improve for public service use.

### **Findings and Recommendation**

Staff offers the following findings for City Council consideration:

1. The applicant, the City of Madison Heights, requests special use approval for an expansion of the Civic Center campus (municipal building) at 300 W. 13 Mile Road. The project involves the construction of a new Active Adult Center, renovations to the existing City Hall and Library buildings, and site improvements.
2. The proposed Active Adult Center addition, City Hall and Library renovations, and site improvements are located on the exiting Civic Center site and will not be detrimental to adjacent public and commercial properties. The Final Site Plan will require review and approval through the Site Plan Review Committee (SPRC).
3. The proposed project is compatible with the uses permitted within the R-2, One-Family Residential zoning district, and is in character with the surrounding neighborhood.

4. The proposed use is consistent and compatible with the description and intent of the ‘*Public & Schools*’ future land use designation, as contained within the 2021 Master Plan, and will benefit Madison Heights residents, property owners, and business owners.
5. The proposed use generally satisfies the special use approval review standards and criteria listed in Section 10.201(4).
6. The Site Plan Review Committee (SPRC) reviewed the proposed special approval request at their April 6<sup>th</sup>, 2022 meeting and did not cite concerns regarding the proposed special use. Separate SPRC approval will be required for the final site plan.

Based on these findings, staff recommends that the City Council **approve** the requested special use with the following condition:

1. The final site plan shall be reviewed and approved by the Site Plan Review Committee (SPRC).

### Next Step

After the public hearing and discussion, the City Council may take action on the requested special use. **Any motion shall include concise findings based upon the special approval review standards and criteria, Section 10.201(4).**

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## Pertinent Zoning Ordinance Sections

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### Section 10.201 – *Special Approval Use Review Procedures and Requirements*

[...]

- (4) *Review standards and criteria.* The city council shall consider the following standards and criteria in their review of all special approval use requests:
  - (a) Site plans submitted for special approval uses shall be prepared in conformance with and contain all information as outlined in Section 10.514. Site Plan Review.
  - (b) All design standards or criteria imposed on specific special approval uses elsewhere in this Ordinance shall be met.
  - (c) The use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
    1. Location of use(s) on site;
    2. Height of all improvements and structures;
    3. Adjacent conforming land uses;
    4. Need for proposed use in specified areas of the city;
    5. Conformance with future land use plans for the area as adopted by the planning commission; and
    6. Compatibility with the permitted principal uses allowed in the zoning district where the special approval use is requested.
  - (d) Ingress/egress to the use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads, drives and uses including, but not limited to:

1. Reduction in the number of ingress/egress points through elimination, minimization and/or consolidation of drives and/or curb cuts;
  2. Proximity and relation to intersections, specifically with regard to distance from drive(s) to intersection(s);
  3. Reduction/elimination of pedestrian/vehicular traffic conflicts;
  4. Adequacy of sight distances;
  5. Location and access of off-street parking;
  6. Location and/or potential use of service drives to access multiple parcels, reducing the number of access points necessary to serve the parcels.
- (e) Screening shall be provided along all property lines, where council determines such screening is necessary to minimize impact of the use on adjacent properties or uses.
- (f) The use shall be properly served by utilities.
- (g) The use shall not have an adverse effect on the environment beyond the normal affects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, and natural resources.
- (h) The use shall be specifically scrutinized for conformance with the performance standards outlined in section 10.509 of this Ordinance.
- (i) The proposed use shall be designed as to location, size, intensity, site layout, and periods of operation to eliminate any possible nuisances which might be noxious to the occupants of any other nearby properties. The use shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odors, and adverse environmental impacts.
- (j) The proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by permitted principal uses in the same zoning district.
- (k) The city council may impose conditions in granting special approval that it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration (if applicable); and be necessary to ensure compliance with those standards.
  4. Provide adequate safeguards as deemed necessary for the protection of the general welfare and individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within 30 days after an order to correct is issued by the city shall be reason for immediate revocation of the special approval. Conditions and requirements stated as a part of special use permit authorizations shall be continuing obligations of the holders of such permits



and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such special use permit is in effect.

- (l) The discontinuance of a special use after a specified time may be a condition to the issuance of the permit. Renewal of a special use permit may be granted after a review and determination by the city council that continuing private need and public benefit will be served by such renewal. Renewal applications shall be in accord with standards and requirements in effect at the time that the renewal is requested.

**Sec. 10.307 – R-2 Uses Permissible on Special Approval**

*[...]*

- (7) Municipal office buildings or libraries when in character with the neighborhood.

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council for the City of Madison Heights will hold a public hearing on **April 25<sup>th</sup>, 2022 at 7:30 p.m.** in the **City Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan 48071** to consider the following special approval request:

### Case # PSP 22-02

The applicant, the City of Madison Heights, requests Special Approval from City Council under Section 10.307 of the Madison Heights Zoning Ordinance to allow for the expansion and renovation of municipal buildings at 300 W. 13 Mile Road, PIN 44-25-02-476-012. The property is zoned R-2, One-Family Residential.

The application and any supporting documents can be viewed during regular business hours at the Community and Economic Development Department. In addition, the agenda item can be viewed after 4:00 p.m. on Friday, April 22<sup>nd</sup>, 2022 online at [www.madison-heights.org](http://www.madison-heights.org) in the Agenda Center.

For further information, please contact the Community and Economic Development Department at (248) 583-0831.

Cheryl Rottmann, CMC  
City Clerk  
(248) 583-0826



**CITY OF MADISON HEIGHTS  
COMMUNITY DEVELOPMENT DEPARTMENT  
PETITION FOR USE PERMITTED BY  
SPECIAL APPROVAL**

FOR OFFICE USE ONLY

Request PS 22-02 No: \_\_\_\_\_  
Date 3/25/22 Filed: \_\_\_\_\_  
Approved by \_\_\_\_\_ CDD: \_\_\_\_\_  
Approved for Hearing: \_\_\_\_\_

I (we) the under signed, do hereby apply and petition the City of Madison Heights for a Special Approval Use Permit and provide the following information.

(Application must be typed)

Building Address: 300 W. Thirteen Mile Rd. ; TAX ID 44-25-02-476-012 Tax ID No.: 44 - 25 -02 -476 -012

**APPLICANT INFORMATION**

Name: Melissa Marsh - City Manager, City of Madison Heights

Phone No.: 248-588-1200

Fax No.: \_\_\_\_\_

Mailing Address: 300 W. Thirteen Mile Rd.

City, State, Zip: Madison Heights, MI 48071

(Notices will be mailed to this address)

Driver's License No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Interest in Property: \_\_\_\_\_

**BUILDING & BUSINESS INFORMATION**

Zoning District: R-2 Use Requested Pursuant to Section SEC. 10.307(7) of the Zoning Ordinance

Explain Requested Use in Detail: Renovation of Civic Center campus, involving: (1) Relocation of the Active Adult Center to Civic Center campus; (2) renovation of City Hall and Public Library buildings; (3) modifications of parking areas, ADA accessibility, and landscapings.

The above referenced parcel is known as: (Lots(s) Acreage Parcel (s)) \_\_\_\_\_ of \_\_\_\_\_

Subdivision (if platted lot(s)) and is located on the N S E W (Circle One) side of \_\_\_\_\_ Street/Road between \_\_\_\_\_ Street/Road and \_\_\_\_\_ Street / Road.

Hours of Operation: \_\_\_\_\_

Property Frontage: \_\_\_\_\_ Width/Depth: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_ Private Lot \_\_\_\_\_ Shared Lot \_\_\_\_\_

No. of Floors: \_\_\_\_\_ Max. No. of Employees: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_ No. on Largest Single Shift: \_\_\_\_\_

No. of Seats for Restaurant or Assembly Uses: \_\_\_\_\_ Capacity of Waiting Area: \_\_\_\_\_

Building: New \_\_\_\_\_ or Existing X Will Additions or Alterations to the Building be Required? Yes

Explain: Renovation of City Hall and Library buildings and construction of new Active Adult Center.

Describe Any Other Site Improvements to be Made: Parking lot, ADA-accessibility, and landscaping improvements.

Building Owner Name: City of Madison Heights

Phone No.: 248-588-1200

Fax No.: \_\_\_\_\_

Mailing Address: 300 W. Thirteen Mile Rd.

City: Madison Heights, MI Zip: 48071

(Notices will be mailed to this address)

**Note: All blanks and boxes above must be completed. Use N/A where appropriate.**  
**CONTINUED ON REVERSE SIDE**



**PETITION FOR USE PERMITTED BY  
SPECIAL APPROVAL (Continued)**

Include one (1) copies of a site plan, no larger than 11 x 17 inches, which meets the requirements of Section 10.514 of the Zoning Ordinance of Madison Heights and the required seven hundred and fifty dollar fee (\$750.00) plus a site plan application.

This petition / application must be signed by both the Owner in Fee of the property and the Applicant prior to submittal. Applicant(s) and property owner(s) hereby consent to city staff, board and commission members, and contractors to access the property for purposes of evaluating the site for the requested action(s).

**FOR THE OWNER:**

Signature \_\_\_\_\_  
Printed \_\_\_\_\_ Name \_\_\_\_\_  
Date \_\_\_\_\_

**NOTARY:**

On this \_\_\_\_\_ day of \_\_\_\_\_

Before me personally appeared \_\_\_\_\_  
\_\_\_\_\_ to me known to be the  
person who executed the forgoing instrument, and  
acknowledged that he executed the same as his free act  
and deed.

Notary's  
Signature \_\_\_\_\_

Notary's  
Printed Name \_\_\_\_\_

Notary public, State of Michigan,

County of \_\_\_\_\_.

My commission expires \_\_\_\_\_.

Acting in the County of \_\_\_\_\_.

**FOR THE APPLICANT IF NOT THE OWNER:**

Signature Melissa Marsh  
Printed \_\_\_\_\_ Name \_\_\_\_\_  
Date March 25, 2022

**NOTARY:**

On this 25<sup>th</sup> day of March, 2022

Before me personally appeared  
Melissa Marsh to me known to be the  
person who executed the forgoing instrument, and  
acknowledged that he executed the same as his free act  
and deed.

Notary's  
Signature \_\_\_\_\_

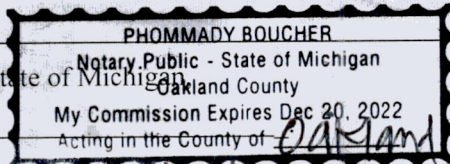
Notary's  
Printed Name \_\_\_\_\_

Notary public, State of Michigan,

County of \_\_\_\_\_.

My commission expires 12/20/22.

Acting in the County of Oakland.



**OFFICE USE ONLY**

\$750.00 Fee Paid \_\_\_\_\_ Receipt Number \_\_\_\_\_ By \_\_\_\_\_ Date: \_\_\_\_\_

One Site Plan Attached no larger than 11 x 17 inches ☐ Yes ☒ No

Site Plan Application: PSP 22-02 Date: 3/25/22

Copies to C.D.D. \_\_\_\_\_

Notices Mailed to Properties Within 500 Feet \_\_\_\_\_

Council Action \_\_\_\_\_

Meeting Date 4/25/22

# Madison Heights Civic Center Campus

---

## *Owner Planning Team Scope Review*

*March 07, 2022*





# Index

## I. CIVIC CENTER COMPLEX

- a. Site Plan
- b. Floor Plans
- c. Furniture Plans
- d. Rendering



**City of Madison Heights**

March 07, 2022

**CCC Scope Review**

Madison Heights, MI

PARTNERS

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# Civic Center Campus

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***City Hall, Active Adult Center, & Library***



**City of Madison Heights**

March 07, 2022

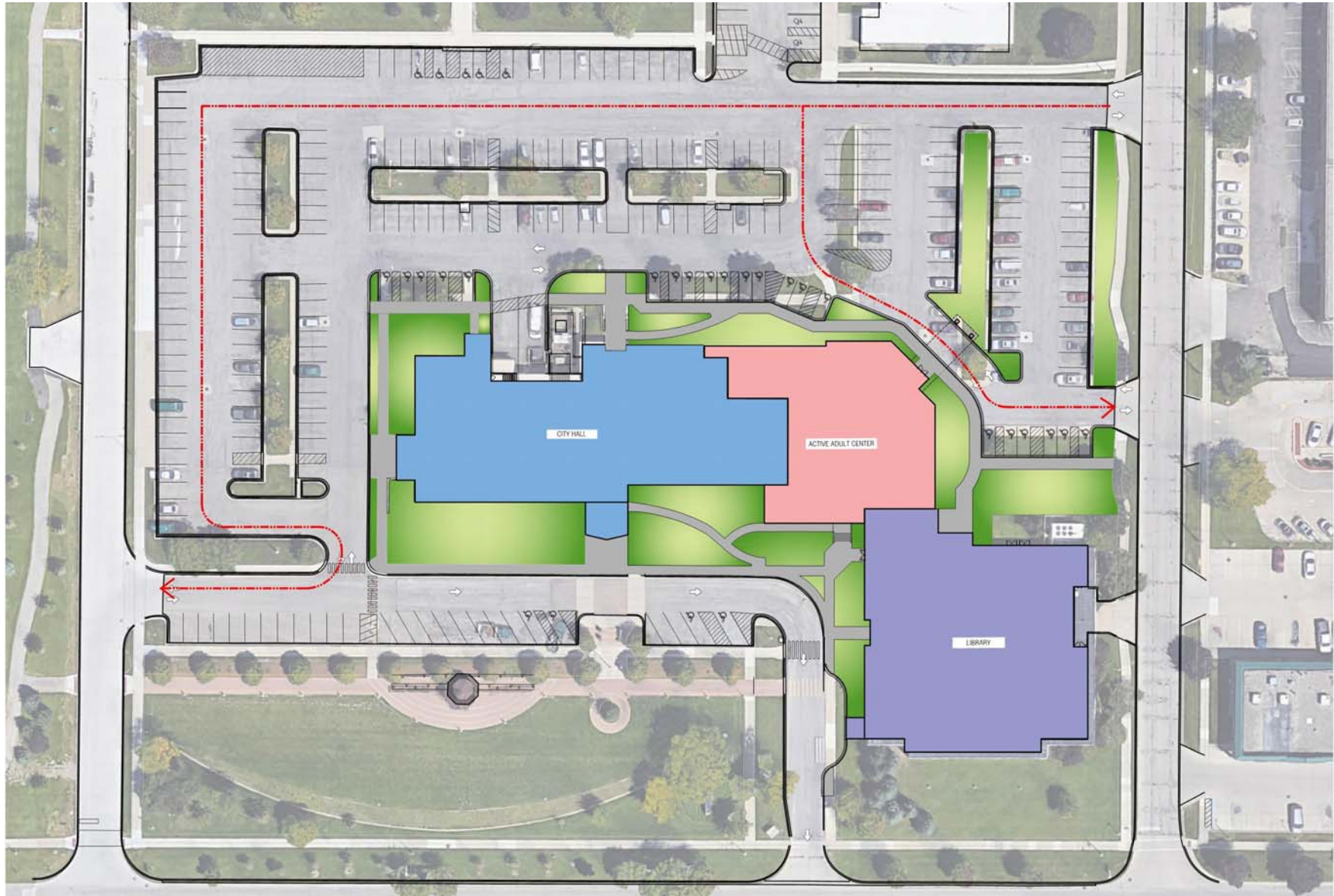
**CCC Scope Review**

Madison Heights, MI

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**City of Madison Heights**

March 07, 2022

**CCC – Site Plan**

**CCC Scope Review**

Madison Heights, MI

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**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_


# MADISON HEIGHTS POLICE DEPARTMENT

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

COREY K. HAINES  
Chief of Police

TIMOTHY D. PAWLOWSKI  
Deputy Chief of Police

Date: April 7, 2022  
To: Melissa R. Marsh, City Manager  
From: Corey K. Haines, Deputy City Manager   
Subject: Request for Recognition as a Non-Profit Organization for Gaming License

Melissa,

The Alex's Saints Foundation is a currently recognized 501(c)(3) not-for-profit organization. The foundation was established by graduates from the 2013 graduating class of Troy Athens High School in honor of their classmate, and the requestor's step-son, Alex St. Pierre. Alex lost his life in August 2019 from an accidental overdose of a drug that was laced with fentanyl.

The mission of the foundation is to provide life-changing emotional and financial assistance to young adults and their families, who struggle with addiction, while empowering long-term recovery. Please see the attached letter from the Alex's Saints Foundation.

I have reviewed the foundation's website and the information provided with their letter. The IRS has designated the foundation as a 501(c)(3) organization and their approval is attached. Further, the Articles of Incorporation are also attached.

The foundation wishes to hold a fundraising annual Gala event at the San Marino Club in the City of Troy including having a 50-50 raffle. In order to hold the raffle they are required to have approval from the State of Michigan's Charitable Gaming Commission. According to Michigan Law, MCL 432.103(k)(ii), requires recognition by the local government subdivision in which the organization conducts its principal activities. This organization only maintains one office with their registered agent, Tyler Bettelon, which is located at 31535 Meadows Ave., Madison Heights, MI 48071. Although the event is being held in the City of Troy the foundation's registered address is in the City of Madison Heights thereby requiring our City to approve their status.

All of the foundations paperwork is in order and has been reviewed by the city attorney's office and I have received their approval. I concur and I am recommending that City Council approve this request and adopt the Resolution recognizing Alex's Saints Foundation as a legitimate non-profit organization.



January 26, 2022

Melissa Marsh  
City Manager  
City of Madison Heights  
300 W. Thirteen Mile Rd.  
Madison Heights, MI 48071

**Re: Request for Recognition as a Non-Profit Organization for Purposes of Obtaining a Gaming License**

Dear Ms. Marsh,

The Alex's Saints Foundation is a recognized 501(c)(3) not-for-profit organization. The foundation was established by 2013 graduates of Troy Athens High School in honor of their classmate and my step son, Alex St. Pierre. Alex lost his life in August 2019 from an accidental overdose of a recreational drug that was laced with fentanyl. The mission of the foundation is to provide life-changing emotional and financial assistance to young adults and their families, who struggle with addiction, while empowering long term recovery. We focus on young adults in Oakland and Macomb counties. Our website can be found at [www.alexssaints.org](http://www.alexssaints.org). Last year, we successfully sponsor two area young adults for inpatient rehabilitation treatment.

On May 20, 2022, the foundation will be holding a fundraising annual Gala event at the San Marino club in Troy. As part of the evening's events, we would like to hold a 50-50 raffle, which requires approval from the State of Michigan's Charitable Gaming Commission. To proceed with the request with the State, we first need to be recognized by the City of Madison Heights as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license because our Foundation is domiciled in the City of Madison Heights. I have attached a copy of our

Articles of Incorporation and IRS determination letter as a charitable organization. I have also attached a draft resolution that meets the requirements of the State Charitable Gaming Commission.

Your consideration and a favorable response to this resolution would be greatly appreciated by our board. If you have any questions or need additional information, I may be reached at 248-736-1397 or [erhunt1966@gmail.com](mailto:erhunt1966@gmail.com).

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Eric R. Hunt". The signature is stylized with a large initial "E" and a long, sweeping horizontal line.

Eric R. Hunt, J.D.  
Member, Board of Directors  
Alex's Saints Foundation



Charitable Gaming Division  
Box 30023, Lansing, MI 48909  
OVERNIGHT DELIVERY:  
101 E. Hillsdale, Lansing MI 48933  
(517) 335-5780  
www.michigan.gov/cg

## LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(K)(ii))

At a Regular meeting of the City of Madison Heights City Council  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on April 25, 2022  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from Alex's Saints Foundation of Madison Heights,  
NAME OF ORGANIZATION CITY

county of Oakland, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for approval.  
APPROVAL/DISAPPROVAL

### APPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

### DISAPPROVAL

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the City of Madison Heights City Council at a Regular  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

\_\_\_\_\_  
PRINTED NAME AND TITLE

\_\_\_\_\_  
ADDRESS

COMPLETION: Required.  
PENALTY: Possible denial of application.

BSL-CG-1153(R6/09)

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 17 2020

ALEXS SAINTS FOUNDATION  
31535 MEADOWS AVE  
MADISON HEIGHTS, MI 48071

Employer Identification Number:  
85-0799820  
DLN:  
26053529003520  
Contact Person:  
CHU H PAEK ID# 11247  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990/990-EZ/990-N Required:  
Yes  
Effective Date of Exemption:  
May 5, 2020  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

ALEXS SAINTS FOUNDATION

Sincerely,

*Stephen A. Martin*

Director, Exempt Organizations  
Rulings and Agreements

**LARA** Corporations  
Online Filing System  
Department of Licensing and Regulatory Affairs

Form Revision Date 07/2016

## ARTICLES OF INCORPORATION

For use by DOMESTIC NONPROFIT CORPORATION

*Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:*

### ARTICLE I

The name of the corporation is:

ALEX'S SAINTS FOUNDATION

### ARTICLE II

The purpose or purposes for which the corporation is formed are:

The organization is organized exclusively for charitable and educational purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. The purpose is to raise funds to help pay for rehab or funeral fees of young adults who are affected by drug use in the State of Michigan.

### ARTICLE III

The Corporation is formed upon  basis.

If formed on a stock basis, the total number of shares the corporation has authority to issue is

If formed on a nonstock basis, the description and value of its real property assets are (if none, insert "none"):

none

The description and value of its personal property assets are (if none, insert "none"):

none

The corporation is to be financed under the following general plan:

Fundraising and donations.

The Corporation is formed on a  basis.

### ARTICLE IV

The street address of the registered office of the corporation and the name of the resident agent at the registered office (P.O. Boxes are not acceptable):

1. Agent Name: TYLER BETTELON

2. Street Address: 31535 MEADOWS AVE.

Apt/Suite/Other:

City: MADISON HEIGHTS

State: MI

Zip Code: 48071

3. Registered Office Mailing Address:

P.O. Box or Street Address: 31535 MEADOWS AVE.

Apt/Suite/Other:

City: MADISON HEIGHTS

State: MI

Zip Code: 48071



ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
TYLER BETTELON	31535 MEADOWS AVE., MADISON HEIGHTS, MI 48071 USA

Signed this 5th Day of May, 2020 by the incorporator(s).

Signature	Title	Title if "Other" was selected
Tyler Bettelon	Incorporator	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

 Decline       Accept

***MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS***  
***FILING ENDORSEMENT***

***This is to Certify that the*** ARTICLES OF INCORPORATION  
***for***

ALEX'S SAINTS FOUNDATION

***ID Number:*** 802444680

***received by electronic transmission on*** May 05, 2020 ***, is hereby endorsed.***

***Filed on*** May 05, 2020 ***, by the Administrator.***

***The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.***



***In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 6th day of May, 2020.***

*Linda Clegg*

***Linda Clegg, Interim Director***

***Corporations, Securities & Commercial Licensing Bureau***

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	UNFINISHED BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

April 7, 2022

This communication serves as notice of my resignation from the Human Relations and Equity Commission. With my increasing workload, combined with other commitments, it has become too great for me to be able to fulfill the requirements and time-commitment to the Board.

I have enjoyed the past 18 months serving on the Commission and am grateful for the experience. I feel it is best for me to make room for someone with the time to devote to this very important position and purpose.

I plan to continue to support the HREC efforts from the sidelines and volunteer as much as possible.

Sincerely,  
Cemone Moy

## Cheryl Rottmann

---

**From:** Sean Ballantine  
**Sent:** Wednesday, April 13, 2022 9:18 AM  
**To:** Cheryl Rottmann  
**Subject:** FW: Parks board

Good morning, Cheryl,

Jeremy Carroll is resigning from the Parks and Recreation Advisory Board.

Sean

**From:** Jeremy Carroll [<mailto:jeremycarroll@gmail.com>]  
**Sent:** Tuesday, April 12, 2022 7:18 PM  
**To:** Sean Ballantine; Corey Almas; Brooke Heisler; Jerry Dzeroogian  
**Subject:** Parks board

Good evening all: I have some bittersweet news to share.

The good news: I got a new job.

The bad news: It's located in Ann Arbor and I'm going to be moving outside the city.

So unfortunately, I need to resign from the parks board. It has been an absolute honor to serve with this group. I've learned a ton and gained a massive appreciation for all you do.

I won't be a complete stranger, as I'm sure I'll find myself back at the Festival in the Park, Juneteenth or some other great event you all put on.

Thanks again,  
Jeremy

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
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**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

***MEMORANDUM***

**DATE:** April 19, 2022

**TO:** Melissa R. Marsh, City Manager

**FROM:** Sean P. Ballantine, Public Works Supervisor  
Brooke Heisler, Recreation Coordinator  
R. Corey Almas, Director of Public Services

**SUBJECT:** Approval of 2022 Fireworks Display Permit

---

Attached for Council consideration is the 2022 permit application for the Festival in the Park Fireworks Display.

The permit application process for commercial or public fireworks display requires approval by the legislative body, in this case, the City Council.

Staff and I recommend that Council approve the permit for the 2022 Fireworks Display, and authorize the Mayor to sign on the City's behalf.

---

**Department of Public Services**

City of Madison Heights  
801 Ajax Drive  
Madison Heights, Michigan 48071

p (248) 589-2294 | f (248) 589-2679

# 2022 Application for Fireworks Other Than Consumer or Low Impact

FOR USE BY LEGISLATIVE BODY  
OF CITY, VILLAGE OR TOWNSHIP  
BOARD ONLY

DATE PERMIT(S) EXPIRE:

Authority: 2011 PA 256

The LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD will not discriminate against any individual or group because of race, sex, religion, age, national origin, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.

TYPE OF PERMIT(S) (Select all applicable boxes)

☐ Agricultural or Wildlife Fireworks

☐ Articles Pyrotechnic

☒ Display Fireworks

☒ Public Display

☐ Private Display

☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

NAME OF APPLICANT

City of Madison Heights

ADDRESS OF APPLICANT

300 W. 13 Mile Road, Madison Heights, MI 48071

AGE OF APPLICANT 18 YEARS OR OLDER

☒ YES ☐ NO

NAME OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER

ADDRESS OF PERSON OR RESIDENT AGENT REPRESENTING CORPORATION, LLC, DBA OR OTHER

IF A NON-RESIDENT APPLICANT (LIST NAME OF MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)

ADDRESS (MICHIGAN ATTORNEY OR MICHIGAN RESIDENT AGENT)

TELEPHONE NUMBER

NAME OF PYROTECHNIC OPERATOR

Great Lakes Fireworks, LLC

ADDRESS OF PYROTECHNIC OPERATOR

3275 W. M-76, PO Box 276  
West Branch, MI 48661

AGE OF PYROTECHNIC OPERATOR 18 YEARS OR OLDER

☒ YES ☐ NO

NO. YEARS EXPERIENCE

20+

NO. DISPLAYS

200+

WHERE

Throughout Michigan

NAME OF ASSISTANT

Dale Vande Vrede

ADDRESS OF ASSISTANT

24805 Marine, Eastpointe, MI 48021

AGE OF ASSISTANT 18 YEARS OR OLDER

☒ YES ☐ NO

NAME OF OTHER ASSISTANT

TBD

ADDRESS OF OTHER ASSISTANT

AGE OF OTHER ASSISTANT 18 YEARS OR OLDER

☒ YES ☐ NO

EXACT LOCATION OF PROPOSED DISPLAY

Civic Center Park, 300 W. 13 Mile Road, Madison Heights, MI 48071

DATE OF PROPOSED DISPLAY

June 26, 2022 (Rain: 6/27/22)

TIME OF PROPOSED DISPLAY

Approx. 10:00 pm

MANNER AND PLACE OF STORAGE, SUBJECT TO APPROVAL OF LOCAL FIRE AUTHORITIES, IN ACCORDANCE WITH NFPA 1123, 1124 & 1126 AND OTHER STATE OR FEDERAL REGULATIONS. PROVIDE PROOF OF PROPER LICENSING OR PERMITTING BY STATE OR FEDERAL GOVERNMENT

Stored at federally licensed facility until date of display.

AMOUNT OF BOND OR INSURANCE (TO BE SET BY LOCAL GOVERNMENT)

\$5,000,000

NAME OF BONDING CORPORATION OR INSURANCE COMPANY

Britton Gallagher

ADDRESS OF BONDING CORPORATION OR INSURANCE COMPANY

One Cleveland Center 1375 East 9th St. 30th Floor, Cleveland, OH, 44114 USA

NUMBER OF FIREWORKS

KIND OF FIREWORKS TO BE DISPLAYED (Please provide additional pages as needed)

Approx. 50

2.5" shells

Approx. 350

3" shells

Approx. 108

4" shells

Approx. 55

5" shells

Approx. 25

6" shells

Approx. 10

Various barrage cakes 3" and smaller

SIGNATURE OF APPLICANT

DATE



## 2022 Permit for Fireworks Other Than Consumer or Low Impact

Authority: 2011 PA 256	The LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD will not discriminate against any individual or group because of race, sex, religion, age, national origin, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.
------------------------	---

*This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of an at the place listed below only through permit expiration date.*

TYPE OF PERMIT(S) (Select all applicable boxes) <input type="checkbox"/> Agricultural or Wildlife Fireworks <input type="checkbox"/> Articles Pyrotechnic <input checked="" type="checkbox"/> Display Fireworks  <input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display  <input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes		FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.  PERMIT(S) EXPIRATION DATE (ENTER DATE OF EXPIRATION)
NAME OF PERSON PERMIT ISSUED TO <b>City of Madison Heights</b>		AGE (18 YEARS OR OLDER) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS OF PERSON PERMIT ISSUED TO <b>300 W. 13 Mile Road, Madison Heights, MI 48071</b>		
NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION		
ADDRESS		
NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary) Approx. 50    2.5" shells Approx. 350    3" shells Approx. 108    4" shells Approx. 50    5" shells Approx. 25    6" shells Approx. 12    Various barrage cakes 3" and smaller		
EXACT LOCATION OF DISPLAY OR USE <b>Civic Center Park, 300 W. 13 Mile Road, Madison Heights, MI 48071</b>		
CITY, VILLAGE, TOWNSHIP <b>City of Madison Heights</b>	DATE <b>June 26, 2022</b> (Rain date: 6/27/22)	TIME <b>Approx. 10:00 pm</b>
BOND OF INSURANCE FILED <b>Yes</b>		AMOUNT <b>\$5,000,000</b>

Issued by action of the Legislative Body of a  <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township of _____ on the _____ day of _____, 2022.  <div style="text-align: center;">           _____            (Signature and Title of Legislative Body Representative)         </div>	
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**\*THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT\***

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	UNFINISHED BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



## MEMORANDUM

To: Melissa Marsh, City Manager  
From: Giles Tucker, Community & Economic Development Director  
Date: April 18, 2022  
Subject: Michigan Homeowner Assistance Fund (MIHAF) Provider Agreement

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### SUMMARY:

The Michigan State Housing Development Authority (MHSDA) established the Michigan Homeowner Assistance Fund (MIHAF) under the American Rescue Plan Act of 2021 (ARP) in order to mitigate financial hardships associated with the coronavirus pandemic. MIHAF provides up to \$25,000 in non-recourse grant funds to eligible entities for the purpose of preventing mortgage delinquencies, defaults, foreclosures, loss of utilities services or the displacement of homeowners experiencing financial hardship for the time period beginning on or after January 21, 2020 for qualified expenses related to mortgages and housing.

Eligible homeowners must be able to demonstrate and attest that they experienced a “Qualified Financial Hardship” on or after January 21<sup>st</sup>, 2020 or that they experienced a “Qualified Financial Hardship” prior to January 21<sup>st</sup>, 2020 that continued after that date. Eligible properties for this program include owner-occupied properties including single family homes, condos; 1-4 unit properties provided the homeowner is living in one of the units. Vacant properties, 2<sup>nd</sup> homes, investment properties or 1-4 unit properties where the homeowner has already received Emergency Rental Assistance Funds are not eligible for this program.

The Provider Agreement confirms a mutual agreement on the principles of the MIHAF. The agreement details the application process, the selection/qualification of borrowers, identifies points of contact for city staff, and other items necessary for the protection of personal information and secure transfer of funds. A condition of note to the city is that Madison Heights would agree to restore service and cease any collection process if a homeowner is selected for this program for the duration of assistance.

### STAFF RECOMMENDATION:

**Staff recommends that City Council authorize the City Manager to sign the MIHAF Provider Participation Agreement.** Further, upon signing the agreement it is recommended that staff work with MSHDA to assist in promoting this program to residents using the MIHAF Toolkit which includes images, flyers and other marketing materials on our city website and other social media. Staff encourages all residents interested in this program to visit <https://www.michigan.gov/mshda/homeownership/mihaf-homeowner-assistance> to learn more and to apply.

**Michigan Homeowner Assistance Fund  
Michigan State Housing Development Authority  
Provider Participation Agreement**

This Participation Agreement (Agreement) made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Michigan State Housing Development Authority (MSHDA) and \_\_\_\_\_ (Provider), the undersigned, and hereby confirm their mutual agreement on the following principles relating to the Michigan Homeowner Assistance Fund (MIHAF).

**RECITALS:**

WHEREAS, MSHDA has created a federally funded program under its Michigan Homeowner Assistance Fund (MIHAF) Program; and

WHEREAS the MIHAF program was established to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities, the Provider(s) as described herein, for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of qualified homeowners (“Homeowners”) experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing, for the benefit of those Homeowners; and

WHEREAS, Provider is mortgage-loan servicer, mortgage holder, County Treasurer, land contract vendor, condominium association, or provider of public utilities, to whom one or more debts are owed that are eligible as Qualified Expenses under the MIHAF; and

WHEREAS, if a mortgage-loan servicer or mortgage-holder, Provider is a State, Federal, or national bank regulated by the Federal Reserve, a national bank or federally chartered bank regulated by the Office of the Comptroller of the Currency (OCC), a state bank regulated by the Federal Deposit Insurance Corporation (FDIC), a state or federal chartered credit union regulated by the National Credit Union Administration (NCUA), a state-chartered bank, credit union, or mortgage servicing organization regulated by the Michigan Department of Insurance and Financial Services (DIFS), or a governmental agency, that own the mortgage servicing rights of mortgage loans and services certain mortgage loans for borrowers who may be eligible to participate in the MIHAF program; or

WHEREAS, if a County Treasurer, Provider is the office of the duly designated receipt of real-property taxes for a county of the State of Michigan, with statutory powers of collection and foreclosure pursuant to the General Property Tax Act, Act 206 of 189; or

WHEREAS, if land-contract vendor, Provider is the vendor of an enforceable land contract governing real property located within the State of Michigan, and possessing legitimate powers of forfeiture and/or foreclosure pursuant to Michigan law; or

WHEREAS, if a condominium association, Provider is a legally recognized entity with authority to administer a condominium project located within the State of Michigan, and possessing a power of foreclosure pursuant to the Michigan Condominium Act, Act 59 of 1978; or

WHEREAS, if a provider of public utilities, Provider is an entity that provides electric, gas, home energy, water, internet service, or related goods and services to one or more residential properties within the State of Michigan, possessing a power to discontinue such services in the event of non-payment by the affected residents; and

WHEREAS, the above-defined Provider is able to document their authority to conduct business within the State of Michigan; where Provider is a company, Provider is able to provide a certified copy of Articles of Incorporation/Organization and certificate of Good Standing from the State of Michigan, or comparable verification of legitimate organization, upon request by MSHDA; where Provider is a County Treasurer, Provider is able to provide confirmation of same on County letterhead; where Provider is a land-contract vendor, Provider is able to provide confirmation that Provider is the person or entity eligible to receive payment under the terms of the land contract. If Provider is a non-Michigan business entity, Provider must upon request provide a certified copy of Articles of Incorporation/Organization filed in the State of Michigan, together with a Certificate of Authority to transact business in Michigan; and

WHEREAS Provider desires to participate in the MIHAF Program; and

WHEREAS Provider understands that participation in the MIHAF Program is voluntary and is distinct from Provider's participation in any other local, state, or federal foreclosure prevention, eviction prevention, or utility-access preservation programs; and

WHEREAS Provider and MSHDA desire to enter into this Agreement to set forth certain premises and mutual covenants:

NOW, WHEREFORE, MSHDA and Provider agree as follows:

1. **Application Process.** Homeowners will access the MIHAF Program through an online MIHAF application, or through a secure phone link, using systems established or designated by MSHDA. Provider understands that it will not be involved in determining eligibility for MIHAF Program, and that MSHDA shall make eligibility determinations according to its sole interpretation of MIHAF program guidelines.
2. **Selection/Qualification of Borrowers.** MSHDA shall be responsible for the selection/qualification of Homeowners to receive MIHAF Program funding. Provider may refer potentially eligible borrowers to MSHDA, and Provider is encouraged but not required to market the MIHAF Program. MSHDA shall make marketing materials available to Provider including web graphics and brochures in pdf format. Providers may refer Homeowners to MIHAF's website at [www.michigan.gov/mihaf](http://www.michigan.gov/mihaf) or MIHAF customer service at 844-756-4423 to apply or for MIHAF Program information.
3. **Point of Contact.** MSHDA shall provide a list of key contacts to Provider. Provider agrees to provide a primary and secondary point of contact, and electronic funds transfer information to MSHDA to facilitate communication and transfer of program funds (**Exhibit A**) and shall provide accessible contacts to MIHAF Program eligible Homeowners to address Provider's participation in the MIHAF Program and the administration of MIHAF payments as to Homeowner's accounts with Provider.

4. **ACH Payments.** Provider shall promptly provide ACH transmission information to MSHDA, as described in **Exhibit A**. Provider agrees that all MIHAF payments will be made via ACH.

5. **Information Sharing/Written Authorization.** MSHDA shall be responsible for procuring written authorization from each Homeowner to share information with Provider. A copy of the signed authorization will be provided to Provider through secured e-mail or web portal. Provider agrees to communicate information about the resolution of the assisted Homeowner's deficiency or default including suspension or termination of foreclosure or forfeiture proceedings, or other resolution options, to MSHDA. MSHDA and Provider agree to use a defined automated and secure process to submit borrowers to Provider for workout consideration.

6. **Transmission of Non-Public Personal Information.** All communication that includes a Homeowner's **Nonpublic Personal Information** (as defined below) between MSHDA and Provider shall be sent through encrypted e-mail, secure loan portal or other similar secure electronic delivery system. MSHDA and Provider agree that they will maintain or implement appropriate measures designed to (a) ensure the security and confidentiality of any Nonpublic Personal information it received from the other party, (b) protect against any anticipated threats or hazards to the security or integrity of such information, (c) protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to the subject of such information, (d) ensure the proper disposal of all Nonpublic Personal Information received from the other party upon the termination of the Agreement for any reason, unless the information is required to be retained for legal or regulatory record retention purposes, (e ) treat the Nonpublic Personal Information with at least the same degree of care that it uses to protect its own confidential and proprietary information of a similar nature but with no less than a reasonable degree of care, and (f) implement or utilize appropriate technological safeguards that are at least in compliance with the Gramm-Leach Bliley Act and generally recognized industry standards.

"Nonpublic Personal Information" means any information received from or provided by the other party which pertains to or identifies an individual, such as name, postal address, e-mail or IP address, facsimile or phone number, mother's maiden name, social security or identification number, transactional, employment, financial data, medical or health records, personal, gender, political profile, account, and password information.

7. **Homeowner Assistance.** Once a Homeowner is accepted to the MIHAF Program, Provider shall not initiate foreclosure, forfeiture, nor collections, and if the Homeowner is already in the foreclosure, forfeiture, or collections process, shall not continue such process during the term of assistance. In the case of utility assistance, utility service shall be restored. Where a Homeowner's obligations to Provider exceed the maximum assistance that the MIHAF Program will pay on Homeowner's behalf, the MIHAF Program may still pay such benefits for the benefit of the Homeowner, but any agreement addressing the remaining deficiency will be strictly between Provider and Homeowner; neither MSHDA nor the MIHAF Program shall have any further obligation as to such a deficiency, nor shall MSHDA participate in the resolution of, nor be a party to, any agreement resolving such a deficiency. Providers are encouraged but not required to consider mechanisms for addressing such a deficiency that will delay the risk of additional default, such as amortizing the deficiency into future payments due from Homeowner.

MSHDA and Provider agree that all MIHAF Program Homeowner assistance options will be conducted in accordance with the MIHAF program descriptions and requirements detailed in the respective program term sheet(s), which are attached as **Exhibit B** and incorporated herein. Although Homeowner may be eligible for more than one type of relief under the MIHAF Program, Homeowner may only receive such relief one time, and once per home address: there shall be no duplication of relief within the MIHAF program, or between the MIHAF program and any other federal assistance programs. Provider recognizes that the MIHAF program is a federal program administered by the U.S. Treasury, may be subject to program guideline changes issued after the date of this agreement, and agrees to abide by the terms of subsequent or superseding federal guidance.

Provider agrees the program guidelines may be amended by MSHDA from time to time. Provider has reviewed the program term sheet and agrees to comply with all Program guidelines as outlined by MSHDA. MSHDA will notify the primary contact provided by Provider of any program amendments and/or changes. Provider is responsible to obtain any required investor and mortgage insurer approval.

**8. MIHAF Program Approval.** Upon notification by MSHDA that a Homeowner has been conditionally approved for MIHAF, Provider agrees to promptly accept or deny each Homeowner's participation in the MIHAF Program. Provider agrees that denial shall be only for good cause such as pending litigation, potential fraud, bankruptcy restrictions, and foreclosure status or if denied by investor or mortgage insurer for good cause.

**9. MIHAF Program.** Provider agrees to provide timely communication of Homeowner's deficiency status to the MSHDA, including sufficient information to identify that the correct deficiency matched to the correct Homeowner, and the amount owed. Provider agrees to apply MIHAF funds towards principal, interest, taxes, and insurance (collectively PITI). MSHDA agrees Provider may apply such funds towards attorney's fees, late charges and NSF fees, property inspection fees, escrow shortage and/or delinquent property taxes, one year of standard homeowner's insurance if forced place insurance has been invoked, and other fees and expenses if they are deemed an advance on Program funds towards delinquent property taxes.

**10. Timing.** Provider acknowledges that it is responsible for timely application of MIHAF Program funds. Provider shall hold the Homeowner harmless if payments are not applied timely. Provider agrees that it will timely provide MSHDA with written reports documenting application of MIHAF Program funds or alternatively to provide MSHDA an exception report for any funds that could not be applied. All remaining delinquencies identified after MIHAF funding must be resolved between Homeowner and Provider. The period of performance for MIHAF Program awards begins on the date hereof and ends on September 30, 2026, unless otherwise extended by U.S. Treasury. Provider shall not be eligible to receive MIHAF Program funds after such period of performance ends.

**11. Repayment of Funds.** Where the Homeowner has an ongoing obligation to the Provider that will continue after application of program funds to the deficiency, such as with an ongoing mortgage loan, MSHDA agrees that Provider will not be required to repay amounts applied to a borrower's loan if that borrower is later determined to be ineligible. If the Provider is eligible to

retain excess funds and overages, those may be retained by Provider and applied for the benefit of the Homeowner's ongoing obligation. Provider may be required by MSHDA to demonstrate how retained excess funds will be applied for the benefit of the homeowner, in such format as MSHDA shall require. If Provider is not eligible to retain and apply excess assistance due to the lack of an ongoing obligation or shall otherwise fail to apply Grant funds to the Homeowner's housing delinquencies, such unapplied funds are the property of MSHDA and shall be promptly returned to Grantor within thirty (30) days of determination of excess funding, but in any event shall not be paid directly to the Homeowner.

**12. Homeowner Actions/Fraud.** Provider agrees to promptly notify MSHDA in writing of any ongoing legal action against a Homeowner, including fraud-related activities.

**13. Cessation of Mortgage Payments.** MSHDA agrees it will promptly provide notice before it ceases payment of MIHAF Program funds to allow Provider time to evaluate the Homeowner for other loss mitigation options.

**14. MIHAF Program Eligibility.** Provider agrees that it is not authorized or empowered to determine and/or communicate to the Homeowner eligibility for MIHAF Program funds. MSHDA agrees that it is not authorized or empowered to determine and/or communicate to the Homeowner eligibility for foreclosure, forfeiture, or shut-off prevention programs of Provider. MSHDA retains sole authority for its MIHAF Program eligibility determination and communication to the Homeowner and Provider. Provider will communicate with Homeowner and MSHDA regarding modification and other Provider-driven approvals.

**15. Provider Legal Compliance Obligations.** Provider recognizes and accepts that the MIHAF Program is a federally funded grant program and acknowledges that failure to abide by MIHAF Program terms may result in recapture of grant funds or other sanctions.

Provider will comply with local, state, and federal laws pertaining to discrimination, including, but not limited to: the Fair Housing Act (42 U.S.C. 3601-19) and implementing regulations; Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) and implementing regulations; Title VIII of the Civil Rights Act of 1968 (as amended by the Fair Housing Amendments Act of 1988) and implementing regulations; the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations; Title II of the Americans with Disabilities Act (42 U.S.C. 12101, et seq); the Elliott-Larsen Civil Rights Act; and the Michigan Persons With Disabilities Civil Rights Act.

**16. Termination.** Participation in the MIHAF Program is voluntary, and either Provider or Homeowner may terminate their respective participation agreement without cause, with 30 days written notice, unless or until MIHAF Program funds have been paid to Provider by MSHDA and accepted by Provider for the benefit of the Homeowner. Either party may terminate immediately upon material breach from the other party; in event of such termination, Provider shall accept and apply payments as agreed on behalf of a Homeowner already approved prior to the immediate termination, or shall return applicable assistance funds to MSHDA, at Provider's discretion.

Accepted and agreed to by:



Provider: \_\_\_\_\_

By: \_\_\_\_\_

Print: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Michigan State Housing Development Authority

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**

Provider Contact and ACH Instructions

**EXHIBIT B**

MIHAF Program Term Sheet

**MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

**735 E Michigan Avenue  
Lansing, Michigan 48912**

**Michigan Homeowner Assistance Fund (MIHAF) Provider Contact  
Information  
and ACH Instructions**

MiEncrypt is used to exchange secure communication. The State of Michigan Data Exchange (DEG) is used to send records back and forth. When your MSHDA MIHAF Advisor reaches out to the contacts below, the Provider will be assigned a username and password to access the site. MIHAF will communicate case level detail to the individual listed below using the Common Data File (CDF) or Excel or encrypted email. Approved funds will be deposited into the Depository Financial Institution (DFI) account provided.

**Service Provider Name:**

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**Primary/Management Contact Information:**

(name, phone number, email address)

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**Case Level Contact Information:**

(name, phone number, email address)

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**ACH Instructions for Provider's Depository Financial Institution (DFI):**

DFI Routing-Transit Number \_\_\_\_\_

DFI Name: \_\_\_\_\_

Account Name: \_\_\_\_\_

Account Number: \_\_\_\_\_

Type of Account: \_\_\_\_\_ Checking \_\_\_\_\_ Savings

# Michigan Homeowner Assistance Fund (MIHAF) Term Sheet

**Program:** Michigan Homeowner Assistance Fund (MIHAF)

**Date:** November 5, 2021

<b>Program Overview</b>	This MIHAF program was established under section 3206 of the American Rescue Plan Act of 2021 (the ARP) to mitigate financial hardships associated with the coronavirus pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship on or after January 21, 2020, through qualified expenses related to mortgages and housing.
<b>HAF Program Goal</b>	To provide financial assistance to Michigan Eligible Homeowners to eliminate or reduce past due payments associated with homeownership, including payments under a forbearance plan, deferred payments, full or partial reinstatements, corporate advances on a Reverse mortgage, and past due payment on loans secured by manufactured home or contracts of deeds. To provide financial assistance to Michigan Eligible Homeowners to eliminate or reduce past due property tax, condominium association dues, and/or housing utility payments.
<b>Size of MIHAF Program</b>	Michigan State Housing Development Authority (the Authority) will utilize up to <b>\$206,086,279</b> (total award \$242,812,277 less 15% administrative costs) of its total HAF allocation for this program.
<b>Targeted Population of Homeowners and Financial Challenges Program Seeks to Address</b>	Not less than 60% of amounts made available for MIHAF program expenses will be used for qualified expenses to assist homeowners having incomes equal to or less than 100% of the area median income household limit in accordance with HUD'S FY 2021 HAF Income Limits. Any amount not made available to homeowners that meet this income-targeting will be used for qualified expenses to assist homeowners having incomes equal to or less than 150% area median income and will be prioritized for assistance to socially disadvantaged individuals as outlined in U.S. Department of the Treasury Guidance dated August 2, 2021. Program funds will be made available to assist all eligible homeowners on a first come, first serve basis.
<b>Eligible Homeowners</b>	<p>"Eligible Homeowners" for Michigan's MIHAF program must meet the following criteria:</p> <ul style="list-style-type: none"> <li>Homeowner must have experienced and attest to a Qualified Financial Hardship on or after January 21, 2020 or had a Qualified Financial Hardship that began before January 21, 2020 but continued after that date. The attestation must describe the nature of the financial hardship.</li> </ul>

	<ul style="list-style-type: none"> <li>• Homeowner must currently own and occupy the property as their primary residence.</li> <li>• Homeowner must meet the Homeowner Income Eligibility Requirements.</li> </ul>
<b>Eligible Legal Ownership Structures</b>	<p>“Eligible Legal Ownership Structures” include only the following:</p> <ul style="list-style-type: none"> <li>• Those where the home is owned by a “natural person” (i.e., LLP, LP, S-Corp, or LLC <u>do not</u> qualify). Where the estate of a deceased natural person is the ownership entity, the owner may be eligible, subject to review by the Authority.</li> <li>• Those where the homeowner has transferred their ownership right into non- incorporated, Living Trusts, provided the homeowner occupies the home as the primary/principal residence.</li> <li>• Those where the home is under a Purchaser’s Interest in a Land Contract valid under Michigan law.</li> <li>• Those where the home is owned by a certificate of title.</li> </ul>
<b>Qualified Financial Hardship</b>	<p>A “Qualified Financial Hardship” is a material reduction in income or material increase in living expenses associated with the coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.</p> <ul style="list-style-type: none"> <li>• <b>Reduction of Income</b> – Temporary or permanent loss of earned income on or after January 21, 2020 or that began before January 21, 2020 but continued after that date.</li> <li>• <b>Increase in living expenses</b> – Increase in out-of-pocket household expenses such as, medical expenses, inadequate medical insurance, increase in household size, or costs to reconnect utility services directly related to coronavirus pandemic on or after January 21, 2020 or that began before January 21, 2020 but continued after that date.</li> </ul>
<b>Homeowner Income Eligibility Requirements</b>	<p>To be eligible for assistance under the Michigan’s MIHAF Program, homeowners <b>must have incomes equal to or less than 150% of the area median income</b> household limit in accordance with HUD’S FY 2021 HAF Income Limits. (“Homeowner Income Eligibility Requirements”).</p>
<b>Homeowner Prioritization</b>	<ul style="list-style-type: none"> <li>• The Authority will prioritize funding to the following populations:</li> <li>• Not less than 60% will be used for qualified expenses that assist homeowners having incomes equal to or less than 100% of the area median income.</li> <li>• Amounts not made available to homeowners that meet the above income-targeting requirement will be used to assist homeowners having household incomes equal to or less than 150% of area</li> </ul>

	<p>median income and prioritized for assistance to socially disadvantaged individuals as defined by the Department of U.S. Treasury's guidance dated August 2, 2021.</p> <p>"Socially Disadvantaged Individuals" are those whose ability to purchase or own a home has been impaired due to diminished access to credit on reasonable terms as compared to others in comparable economic circumstances, based on disparities in homeownership rates in Michigan as documented by the U.S. Census. "Socially Disadvantaged Individuals" are those who have been subjected to racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities. Social disadvantage must stem from circumstances beyond their control.</p> <p>Indicators of socially disadvantage impairment may include being a 1) member of a group that has been subjected to racial or ethnic prejudice or cultural bias with American society; 2) resident of a majority-minority Census tract; 3) individual with limited English proficiency; 4) individual who lives in a persistent-poverty county that has had 20% or more of its population living in poverty over the last 30 years; 5) single-member households, Female heads of households with related children and Shelter overburden households as supported in Michigan's data analysis, and 6) an individual who identifies and self-attests to being socially disadvantaged within the application process.</p>
<b>Eligible Properties</b>	<p><u>"Eligible Properties"</u> are those that are:</p> <ul style="list-style-type: none"> <li>• Single-family (attached or detached) properties</li> <li>• Condominium units.</li> <li>• 1 to 4-unit properties where the homeowner is living in one of the units as their primary residence.</li> <li>• Manufactured homes permanently affixed to real property and taxed as real estate.</li> <li>• Mobile homes not permanently affixed to real property.</li> </ul> <p><u>Ineligible properties:</u></p> <ul style="list-style-type: none"> <li>• Vacant, lacking a dwelling, or abandoned.</li> <li>• 2<sup>nd</sup> homes.</li> <li>• Investment property.</li> <li>• 1 to 4-unit properties where the homeowner/landlord has received Emergency Rental Assistance Funds.</li> </ul>
<b>Eligible Qualified Expenses MIHAF Program Proceeds</b>	<p>Housing obligations as listed below and incurred by a Homeowner's Qualified Financial Hardship on or after January 21, 2020 or had a Qualified Financial Hardship before January 21, 2020, but continued after that date are eligible "Qualified Expenses" of MIHAF Program Proceeds:</p> <ul style="list-style-type: none"> <li>• Existing delinquent first mortgage lien payments (principal, interest, taxes, insurances (PITI)), escrow shortages, corporate advances.</li> <li>• Existing first mortgage lien partial or full forbearance reinstatement and/or delinquent monthly forbearance payments.</li> <li>• Existing delinquent subordinate mortgage lien payment (P&amp;I)</li> </ul>

	<p>and/or principal reduction or payoff of a non-profit/government bond second lien.</p> <ul style="list-style-type: none"> <li>• Land Contract delinquent monthly payment (P&amp;I).</li> <li>• Manufactured/mobile home delinquent loan monthly payment (P&amp;I) and delinquent lot rent, if applicable.</li> <li>• Utilities, including electric, gas, home energy and water delinquent balances and costs to restore services, if arrearages not otherwise covered from another source of funds.</li> <li>• Internet service, including broadband internet access, delinquent balances, and costs to restore services, if arrearages not otherwise covered from another federal assistance source of funds.</li> <li>• Homeowner's association fees, condominium association fees or common charges, delinquent balances including costs for lien extinguishment.</li> <li>• Homeowner's hazard, flood and/or mortgage insurance delinquent balances, including force place coverage, and costs to reinstate coverage.</li> <li>• Delinquent property taxes, including assessed interest and penalties.</li> <li>• Homeowner counseling/non-profit legal entity application assistance costs</li> <li>• De minimis lender-assessed fees.</li> </ul> <p>Arrearages of qualified expenses are eligible for purposes of HAF regardless of the date they were incurred, including if arose before January 21, 2020 per U.S. Treasury guidance dated August 2, 2021.</p> <p>Exhibit A to this Program Design contains the other Treasury-required requirements, such as the maximum dollar amount that this program will provide to each homeowner for each type of qualified expense ("Per Item Maximum Amount".)</p>
<b>Maximum Per Household MIHAF Assistance</b>	<p>The Authority will not exceed its "Maximum Per Household MIHAF Assistance" amount of \$25,000 per household, combined across all Eligible Uses, in the MIHAF Program.</p> <p>Additionally, the Authority will not exceed its Per Item Maximum Amounts listed in Exhibit A.</p> <p>Additionally, assistance is limited to one-time, per household.</p>
<b>Assistance Type</b>	<p>Assistance will be structured as a non-recourse grant.</p>

<b>Payout of MIHAF Assistance</b>	<p>The Authority will disburse MIHAF assistance directly to mortgage lender/servicer, land contract holder, manufactured/mobile home lender/park (lot fees), county treasurer, condominium/homeowners' association, utility provider, local municipality, internet and/or broadband service providers.</p> <p>The Authority will make no more than one disbursement to each payee.</p> <p>The Authority will disburse the amount quoted by the lender/servicer; any discrepancies to be resolved by the homeowner and lender/servicer.</p> <p>If Homeowner's past due amount exceeds the amount that the Authority can provide, Homeowner may pay the difference, and the Authority will pay the maximum of their limit.</p>
<b>Structure of Assistance and Payment Process Description of Qualified Expenses</b>	<p>MIHAF assistance will be prioritized to Eligible "Qualified Expenses" of MIHAF Program Proceeds as follows:</p> <ol style="list-style-type: none"> <li>1) Mortgage/housing loan reinstatement (including escrows),</li> <li>2) Land Contracts and Reverse Mortgages,</li> <li>3) Property taxes,</li> <li>4) Condominium/homeowners' association fees,</li> <li>5) Mobile home and/or lot payment assistance,</li> <li>6) Homeowner's insurances,</li> <li>7) Utilities,</li> <li>8) Internet services.</li> </ol>
<b>Program Launch</b>	<p>The Authority is planning to launch the program to the public statewide in the fourth quarter of 2021 subject to the timing of Michigan's legislative appropriation of program funds to the Authority, MSHDA Board approval, and the Department of U.S. Treasury's approval of Michigan's MIHAF Plan. The terms hereof are subject to change based on the foregoing.</p>
<b>Program Duration</b>	<p>The period of performance for the MIHAF award begins on the date hereof and ends on September 30, 2026. HAF recipient shall not incur any obligations to be paid with the funding from this award after such period of performance ends.</p> <p>The Authority plans to disburse all funds prior to the end of program date, September 30, 2026.</p>
<b>Program Leverage with Other Financial Resources</b>	<p>The Authority will undertake best effort approach to leverage the assistance that might be available for homeowners through other federal programs that have been created expressly for that purpose before using MIHAF funds for utility assistance, for example.</p>
<b>Program Exclusions</b>	<p>Home repair/property improvement assistance.</p>

**Exhibit A**

<b>Eligible Uses of MIHAF Program Proceeds</b>	<b>Per Item Maximum Amount Per Homeowner</b>	<b>Description of Intended Impact on Eligible Homeowners</b>
Housing Payment Assistance (Mortgage, Land Contract, Mobile Home)	\$25,000	Reinstate, avoid foreclosure, retain homeownership
Property Tax Assistance	\$25,000	Reinstate, avoid foreclosure, retain homeownership
Condominium Association Assistance	\$10,000 in Maximum per Homeowner Amount	Reinstate, avoid foreclosure, retain homeownership
Homeowner's Insurances (Hazard, Flood or Mortgage)	\$25,000	Reinstate and restore coverage
Utility Assistance	\$500 in Maximum per Homeowner Amount	Reinstate and restore services



**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

**RESOLUTION AUTHORIZING ISSUANCE OF  
2022 CAPITAL IMPROVEMENT BONDS  
(LIMITED TAX GENERAL OBLIGATION)**

**CITY OF MADISON HEIGHTS  
COUNTY OF OAKLAND  
STATE OF MICHIGAN**

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Minutes of a regular meeting of the City Council of the City of Madison Heights, County of Oakland, State of Michigan, held on the 25th day of April, 2022, at 7:30 p.m., prevailing Eastern Time.

PRESENT: Members: \_\_\_\_\_

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ABSENT: Members: \_\_\_\_\_

The following preamble and resolution were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

WHEREAS, the City of Madison Heights, County of Oakland, State of Michigan (the “City”) does hereby determine that it is necessary to pay all or part of the cost of acquiring and constructing various capital improvements in the City, including, but not limited to, rebuilding portions of the Madison Heights Civic Center Plaza, renovating the City Hall and Library while adding a new space to relocate the Active Adult Center, and renovating/rebuilding, furnishing and equipping Fire Station #2, including related site improvements (collectively, the “Project”); and

WHEREAS, to finance all or part of the cost of the Project, the City Council deems it necessary to borrow the principal amount of not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) and issue capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”) to pay the cost of the Project; and

WHEREAS, a notice of intent for bonds was published in accordance with Act 34 which provides that the capital improvement bonds may be issued without a vote of the electors of the City unless a proper petition for an election on the question of the issuance of the bonds is filed with the City Clerk within a period of forty-five (45) days from the date of publication and no petition was filed with the Clerk within the 45-day period.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the City designated **2022 CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION)** (the “Bonds”), are hereby authorized to be issued in the aggregate principal sum of not to exceed Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purpose of paying all or part of the costs of the Project, including the costs incidental to the issuance, sale and delivery of the Bonds.

The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or any integral multiple thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery, or such other date as determined by the City Manager or Finance Director (each an "Authorized Officer" and together, the "Authorized Officers"), at the time of sale of the Bonds. The Bonds shall bear interest, mature and be payable at the times and in the manner set forth in Sections 6 and 7 hereof and as shall be finally determined by an Authorized Officer at the time of sale of the Bonds.

The Bonds shall be sold at public sale at a price not less than 99% of the principal amount thereof.

The Bonds shall be subject to redemption prior to maturity in the manner and at the times and prices set forth in Sections 6 and 7 hereof and if term bonds are selected by the original purchaser of the Bonds, then the Bonds will be subject to mandatory redemption in accordance with the foregoing referenced maturity schedule at par.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at The Huntington National Bank, Grand Rapids, Michigan, which is hereby selected to act as the transfer agent for the Bonds (the "Transfer Agent").

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC") and each Authorized Officer is authorized to execute such custodial or other agreements with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the bond form within the parameters of this resolution as may be required to accomplish the foregoing.

2. Execution of Bonds. The Bonds of this issue shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond executed by facsimile signature shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the Purchaser or other person in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental

charge required to be paid with respect to the transfer.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.

The City Treasurer is authorized and directed to open a depository account with a bank or trust company designated by the City Council, to be designated **2022 CAPITAL IMPROVEMENT BONDS DEBT RETIREMENT FUND** (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Construction Fund; Proceeds of Bond Sale. The City Treasurer is authorized and directed to open a separate depository account with a bank or trust company designated by the City Council, to be designated **2022 CAPITAL IMPROVEMENT BONDS CONSTRUCTION FUND** (the "Construction Fund"), and deposit into said Construction Fund the proceeds of the Bonds less accrued interest, if any, which shall be deposited into the Debt Retirement Fund. The amounts specified by an Authorized Officer at the time of sale of the Bonds from the net proceeds of sale of the Bonds shall be deposited to the appropriate account in

the Construction Fund to be used to pay for the Project and the costs of issuance of the Bonds. Except for investment pending disbursement and as herein provided, the moneys in each account in the Construction Fund shall be used solely to pay the costs of the Project, the costs of issuance of the Bonds, as such costs become due and payable and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended (the "Code").

6. Bond Form. The Bonds shall be in substantially the following form:

### **FORM OF BONDS**

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF OAKLAND

CITY OF MADISON HEIGHTS

2022 CAPITAL IMPROVEMENT BOND  
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	November 1, 20__	_____, 2022	

Registered Owner:

Principal Amount: \_\_\_\_\_ Dollars

The City of Madison Heights, County of Oakland, State of Michigan (the "Issuer"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on November 1, 2022 and semiannually thereafter. Principal of this bond is payable at the corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the Issuer may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the Issuer kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Issuer are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating principal sum of \$\_\_\_\_\_, issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), and a resolution duly adopted by the City Council of the City for the purpose of paying the cost of various capital improvements in the City. This bond, including the interest hereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

Bonds of this issue maturing in the years 2024 through 2031, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after November 1, 2031, at par and accrued interest to the date fixed for redemption.

[Insert term bond redemption provisions, if necessary.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether or not presented for redemption, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the Issuer kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Issuer, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the Issuer, by its City Council, has caused this bond to be signed in its name with the facsimile signatures of its Mayor and its City Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CITY OF MADISON HEIGHTS  
County of Oakland  
State of Michigan

By \_\_\_\_\_  
Its Mayor

(SEAL)

By \_\_\_\_\_  
Its City Clerk

(Form of Transfer Agent's Certificate of Authentication)

DATE OF AUTHENTICATION: \_\_\_\_\_

#### CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned resolution.

The Huntington National Bank  
Grand Rapids, Michigan

Transfer Agent

By \_\_\_\_\_  
Its Authorized Signatory

[End of Bond Form]

7. Notice of Sale. Either Authorized Officer is authorized to fix a date of sale for the Bonds and to publish a notice of sale of the Bonds in ***The Bond Buyer***, New York, New York, which notice of sale shall be in substantially the following form:

**FORM OF OFFICIAL NOTICE OF SALE**

OFFICIAL NOTICE OF SALE

\$ \_\_\_\_\_ \*

CITY OF MADISON HEIGHTS  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
2022 CAPITAL IMPROVEMENT BONDS  
(LIMITED TAX GENERAL OBLIGATION)

*\*Subject to adjustment as set forth in this Notice of Sale*

SEALED BIDS for the purchase of the above bonds will be received by the City Clerk of the City of Madison Heights, County of Oakland, State of Michigan (the "City") at the City office located at 300 West Thirteen Mile Road, Madison Heights, Michigan 48071 on \_\_\_\_\_, \_\_\_\_\_, 2022 until \_\_\_\_:\_\_\_\_.m., prevailing Eastern Time, at which time and place said bids will be publicly opened and read. The award or rejection of the bids will occur on that date.

FAXED BIDS: Signed bids may be submitted by fax to the City at fax number (248) 588-0204, Attention: City Clerk, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure.

ELECTRONIC BIDS: Bidders may submit bids for the purchase of the above bonds as follows:

Electronic bids may be submitted to the Municipal Advisory Council of Michigan at [munibids@macmi.com](mailto:munibids@macmi.com); provided that electronic bids must arrive before the time of sale and the bidder bears all risks of transmission failure.

Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10010, (212) 849-5021. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC

BIDDING SERVICES, THIS NOTICE SHALL CONTROL.

Bidders may choose either of the foregoing means to present bids but a bidder may not present a bid by more than one of such means.

**BOND DETAILS:** The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, originally dated as of the date of delivery (currently anticipated to be June 9, 2022), numbered in order of registration, and will bear interest from their date payable on November 1, 2022 and semiannually thereafter.

The bonds will mature on the 1st day of November in each of the years as follows:

<u>November 1</u>	<u>Amount</u>	<u>November 1</u>	<u>Amount</u>
2024	\$	2034	\$
2025		2035	
2026		2036	
2027		2037	
2028		2038	
2029		2039	
2030		2040	
2031		2041	
2032		2042	
2033			

**\*ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES:** The City reserves the right to adjust the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the City to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of \$5,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

**\*ADJUSTMENT TO PURCHASE PRICE:** Should any adjustment to the aggregate principal amount of the bonds be made by the City, the purchase price of the bonds will be adjusted by the City proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

**PRIOR REDEMPTION OF BONDS:** Bonds maturing in the years 2024 to 2031, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2032 and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after November 1, 2031, at par and accrued interest to the date fixed for



redemption.

In case less than the full amount of an outstanding bond is called for redemption, the transfer agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether or not presented for redemption, provided funds are on hand with the transfer agent to redeem said bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities as term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on November 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

INTEREST RATE AND BIDDING DETAILS: The bonds shall bear interest at a rate or rates not exceeding 5.00% per annum, to be fixed by the bids therefor, expressed in multiples of 1/8 or 1/100 of 1% or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. No proposal for the purchase of less than all of the bonds or at a price less than 99% of their par value will be considered.

BOOK-ENTRY ONLY: Unless otherwise requested by the purchaser, the bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the principal corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to an interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the City as of the 15th day of the month prior to an interest payment date. The bonds will be transferred only upon the registration books of the City kept by the transfer agent.

PURPOSE AND SECURITY: The bonds are authorized for the purpose of paying the

cost of acquiring and constructing certain capital improvements for the City. The bonds will be a first budget obligation of the City, payable from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

AWARD OF BONDS-TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on November 1, 2022 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to the date of closing, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the City, computed in the manner specified above.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE: The winning bidder shall assist the City in establishing the issue price of the bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix F or Appendix G of the preliminary official statement, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the City and Bond Counsel.

The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the "Competitive Sale Requirements") because:

- a. the City is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- b. all bidders shall have an equal opportunity to bid;
- c. the City anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- d. the City anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

In the event that all of the Competitive Sale Requirements are not satisfied, the City shall so advise the winning bidder. The City will not require bidders to comply with the “hold-the-offering price rule,” and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the City, may elect to apply the “hold-the-offering price rule” (as described below). Bids will not be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the “hold-the-offering price rule” (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the City of its intention to apply either the “hold-the-offering price rule” or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder does not request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, the following two paragraphs shall apply:

- a. The City shall treat the first price at which 10% of a maturity of the bonds (the “10% Test”) is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds; and
- b. Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all bonds of that maturity have been sold or (ii) the 10% Test has been satisfied as to the bonds of that maturity, provided that, the winning bidder’s reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel.

If the winning bidder does request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then the following three paragraphs shall apply:

- a. The winning bidder, in consultation with the City, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the City if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the City, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.

- b. By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:
- i. the close of the fifth (5<sup>th</sup>) business day after the sale date; or
  - ii. the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the City when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5<sup>th</sup>) business day after the sale date.

- c. The City acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering price rule, if applicable to the bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the

requirements for establishing issue price of the bonds, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the bonds.

By submitting a bid, each bidder confirms that:

- a. any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A)(i) to report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, and (ii) to comply with the hold-the-offering price rule, if applicable, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, (B) to promptly notify the winning bidder of any sales of bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public.
- b. any agreement among underwriters or selling group agreement relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to (i) report the prices at which it sells to the public the unsold bonds of each maturity allocated to it, whether or not the closing date has occurred, until either all bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% Test has been satisfied as to the bonds of that maturity, provided that, the reporting obligation after the closing date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, and (ii) comply with the hold-the-offering-price rule, if applicable, if and for so long as directed by the winning bidder or the underwriter and as set forth in the related pricing wires.
- c. sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale.

Further, for purposes of this Notice of Sale:

- a. “public” means any person other than an underwriter or a related party,
- b. “underwriter” means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the bonds to the public);
- c. a purchaser of any of the bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and
- d. “sale date” means the date that the bonds are awarded by the City to the winning bidder.

“QUALIFIED TAX EXEMPT OBLIGATIONS”: The City has designated the bonds as “qualified tax-exempt obligations” for purposes of the deduction of interest expense by financial institutions pursuant to the Code.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the bonds, the bidder agrees to the representation of the City by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

DELIVERY OF BONDS: The City will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock noon,

prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned. Payment for the bonds shall be made in Federal Reserve Funds.

**CUSIP NUMBERS:** It is anticipated that CUSIP numbers will be printed on the bonds, but neither the failure to print CUSIP numbers nor any improperly printed CUSIP numbers shall be cause for the purchaser of the bonds to refuse to take delivery of and pay for the bonds. Application for CUSIP numbers will be made by Baker Tilly Municipal Advisors, LLC, municipal advisor to the City. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser of the bonds.

**OFFICIAL STATEMENT:** A preliminary Official Statement that the City deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained from Baker Tilly Municipal Advisors, LLC, municipal advisor to the City, at the address and telephone listed under MUNICIPAL ADVISOR below. Baker Tilly Municipal Advisors, LLC will provide the winning bidder with 100 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Additional copies of the Official Statement will be supplied by Baker Tilly Municipal Advisors, LLC, upon request and agreement by the purchaser to pay the cost of additional copies. Requests for additional copies should be made to Baker Tilly Municipal Advisors, LLC within 24 hours of the time of sale.

**BOND INSURANCE AT PURCHASER'S OPTION:** If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the City has requested and received a rating on the bonds from a rating agency, the City shall pay the fee for the requested rating. Any other rating agency fees shall be the responsibility of the purchaser. **FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.**

**CONTINUING DISCLOSURE:** As described more fully in the Official Statement, the City has agreed to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, on or prior to the last day of the sixth month after the end of each fiscal year commencing with the fiscal year ending June 30, 2022, (i) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain material events with respect to the bonds and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

BIDDER CERTIFICATION: NOT “IRAN-LINKED BUSINESS” By submitting a bid, the bidder shall be deemed to have certified that it is not an “Iran-Linked Business” as defined in Act 517 Michigan Public Acts of 2012, being MCL 129.311 et. seq.

MUNICIPAL ADVISOR: Further information relating to the bonds may be obtained from Baker Tilly Municipal Advisors, LLC, 2852 Eyde Parkway, Suite 150, East Lansing, Michigan 48823. Telephone (517) 321-0110.

ENVELOPES containing the bids should be plainly marked “Proposal for 2022 Capital Improvement Bonds (Limited Tax General Obligation).”

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

Cheryl E. Rottmann  
City Clerk, City of Madison Heights

*[End Notice of Sale Form]*

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty-five (25) years.

9. Award of Bonds; Sale Order. Each Authorized Officer is hereby authorized on behalf of the City to award the sale of the Bonds pursuant to a sale order to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the City computed in accordance with the terms of the official notice of sale as published; *provided* that the principal amount of Bonds issued shall not exceed the principal amount authorized in this resolution, the interest rate on the Bonds shall not exceed five percent (5.00%) per annum, and the purchase price shall not be less than 99.00% of the par amount of the Bonds.

10. Tax Covenant; Qualified Tax-Exempt Obligations. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Code including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds. The City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

11. Official Statement; Qualification for Insurance; Ratings. Any Authorized Officer is authorized and directed to cause the preparation and circulation of a preliminary and final Official Statement with respect to the Bonds; to procure qualification of the Bonds for a policy of municipal bond insurance if deemed appropriate by the City’s municipal advisor; and to obtain ratings on the Bonds. Each Authorized Officer is further authorized to execute and deliver the final Official Statement relating to the Bonds on behalf of the City and to approve, execute and deliver any amendments and supplements to the Official Statement necessary to assure that the statements therein are, and as of the time the Bonds are delivered to the purchaser will be true, and that it does not contain any untrue statement of a material fact and does not omit to state a



material fact necessary in order to make the statements therein, in light of the circumstances under which they were made, not misleading.

12. Continuing Disclosure. The City agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, and any Authorized Officer is hereby authorized to execute such undertaking prior to delivery of the Bonds.

13. Adjustment of Bond Terms; Authorization of Other Actions. Each Authorized Officer is hereby authorized to adjust the final bond details to the extent necessary or convenient to complete the transaction authorized in this resolution, and in pursuance of the foregoing are each authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, and other matters, all subject to the parameters established in this resolution. The Authorized Officers are each authorized and directed to take all other actions necessary or advisable to effectuate the sale, issuance and delivery of the Bonds.

14. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel for the Bonds, notwithstanding periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution.

15. Financial Advisor. Baker Tilly Municipal Advisors, LLC is retained as the registered municipal advisor to the City in connection with the issuance of the Bonds.

16. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Cheryl E. Rottmann, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Madison Heights, County of Oakland, State of Michigan, at a regular meeting held on April 25, 2022, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Cheryl E. Rottmann, City Clerk

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**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

Date: April 14, 2022

To: Melissa R. Marsh, City Manager

From: Amy J. Misczak, HR Director/Purchasing Coordinator  
Kevin Powers, Fire Captain

Re: FEMA Grant – Purchase of Exercise Equipment

As you are aware, on July 26, 2021, the City of Madison Heights received notice that the Fire Department was awarded \$98,590 in grant funds through the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) to set up a wellness program for all sworn members of the Fire Department. This grant includes funding for medical examinations and fitness equipment which will benefit all of our sworn members of the Fire Department and help them maintain the level of fitness required for their strenuous job duties.

The grant specifications included authorization for the purchase of the following equipment to outfit both Fire Station #1 and Fire Station #2:

Rowing Machine:	2 @ \$2,808 each = \$5,616
Weight Benches:	2 @ \$3,000 each = \$6,000
Treadmills:	2 @ \$4,999 each = \$9,998
Exercise Bikes:	2 @ \$2,599 each = <u>\$5,198</u>
Total:	\$26,812

It should be noted that the original grant also included two elliptical machines; however, upon further research it was discovered that the elliptical machines would be too large to fit in the exercise rooms at the stations. The City intends to submit an addendum to AFG in order to supplement the ellipticals with other needed equipment through the grant, which will be presented at a later date.

Captain Kevin Powers attempted to obtain quotes for the above listed equipment, and the only company that provided a complete quote for all of the needed equipment was Rogue Fitness out of Columbus Ohio. Vulcan Fitness did not respond to his request at all, and Titan Fitness did not provide quotes for all of the equipment despite the fact that they are a full service fitness equipment dealer.

Rogue Fitness holds a contract with U.S. General Services Administration (GSA – Contract Number GS-03F-0091W), and they were able to provide pricing BELOW the GSA Contract with a total quote of \$17,797 for all of the above-listed equipment. This is a savings of \$9,015 over expected costs!

Staff and I would respectfully request that Council approve the purchase of the fitness equipment listed in the quote from Rogue Fitness in the amount of \$17,797.32 and authorize the City to proceed with fulfilling its terms under the grant.

Thank you for your consideration.



545 E. 5TH AVE.  
COLUMBUS, OH 43201

(614) 358-6190  
TEAM@ROGUEFITNESS.COM

OFFICIAL QUOTE

**Bill To:**  
**KEVIN POWERS**  
**31313 BRUSH**  
**MADISON HEIGHTS MI 48071**

**Ship To:**  
**KEVIN POWERS**  
**31313 BRUSH**  
**MADISON HEIGHTS MI 48071**

Total Equipment Cost	\$17,866.48
Discount	(\$426.63)
Shipping (LTL)	\$357.47
Grand Total	\$17,797.32

**Quote #: 116895**

Weight	Brand	Item Description	SKU	QTY	Price	Total	Details
0.94 lbs	Rogue	Rogue HG 2.0 Collars	AD0114	4	\$43.20	\$172.80	
49 lbs	Rogue	1.2 Matt Chan Bar (Stainless Black Shaft / Chrome Sleeve)	RA0545-SS-EBLACK-DC	4	\$409.50	\$1,638.00	
37.5 lbs	Rogue	Rogue 25mm Bella Bar 2.0 (Black w/ Bright)	RA0584-BLBR	2	\$225.60	\$451.20	
375.89 lbs	Rogue	MLW-14 Rogue 14' Monster Lite Wall Mount	RF0441	2	\$1,577.00	\$3,154.00	Includes 4' Depth
1.46 lbs	Rogue	Concrete Anchor Kit for 14' Wall Mount	RF0451-12	2	\$19.00	\$38.00	
28 lbs	Rogue	26LB Rogue Kettlebell	IP0004	2	\$57.00	\$114.00	
37 lbs	Rogue	35LB Rogue Kettlebell	IP0005	2	\$67.20	\$134.40	
45 lbs	Rogue	44LB Rogue Kettlebell	IP0006	2	\$81.60	\$163.20	
55 lbs	Rogue	53LB Rogue Kettlebell	IP0007	2	\$87.75	\$175.50	
64 lbs	Rogue	62LB Rogue Kettlebell	IP0008	2	\$102.38	\$204.76	

\* Shipping quotes are only valid for 24 hours

\* All previous versions of this form are obsolete

\* Please ensure the items and quantities on this quote are correct prior to placing your order

\* Custom products require review and approval by the Rogue creative team and may require modifications to be manufactured.

\* 100% Due Upon Order unless otherwise Agreed Upon

\* All POs are processed with Net 30 terms starting the date the order ships. POs over \$25,000 will require a 50 % deposit to initiate the order. The remaining 50 % of the balance will have Net 30 terms \*\* starting the date the order ships.\* \*If any invoiced amount is not received by the due date, then without limiting Rogue's rights or remedies, (a) out standing amounts will accrue late interest at the rate of 1.5% of the outstanding balance per month, or the maximum permitted by law, whichever is lower, and / or (b) future orders may be conditioned with a reduction or elimination of terms.

\* Upon confirmation of this Order, and/or acceptance of the ordered product(s), you hereby agree to these credit terms.

3/29/2022 9:01:54 AM

Page 1 of 2

72 lbs	Rogue	70LB Rogue Kettlebell	IP0009	2	\$120.31	\$240.62	
66 lbs	Concept2	BLACK Concept 2 Model D Rower w/PM5 Monitor	C20003-5	2	\$900.00	\$1,800.00	
148 lbs	Rogue	Rogue ECHO Bike v2.0	IP0822	2	\$795.00	\$1,590.00	
0 lbs	Samsara Fitness	TrueForm Trainer	SMS0004	2	\$3,995.00	\$7,990.00	

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	UNFINISHED BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_



## ORDINANCE NO. 2180

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 CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, AMENDMENT TO POLLING LOCATION FOR THE CITY OF MADISON HEIGHTS

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

That Chapter 10, Section 10-1 of the Code of Ordinance, City of Madison Heights, Michigan, is hereby amended as follows:

**Sec. 10-1. Precincts established; numbers, boundaries.**

- (b) The following precincts are hereby established and shall be referred to by number, as follows:

*Precinct No. 8* shall be the area bounded as follows: Beginning at the intersection of Twelve Mile Road and the Chrysler Expressway; thence east along Twelve Mile Road to John R Road to Point A; thence south along John R Road to Gardenia Avenue; thence west along Gardenia to Dartmouth Street; thence north along Dartmouth Street to Bellaire Avenue; thence west along Bellaire Avenue to the Chrysler Expressway; thence north along the Chrysler Expressway to the point of beginning; thence continuing from said Point A north along John R Road to a line parallel to the south one-half of Section 12, Township 1 North, Range 11 East; thence east to Dequindre Road; thence south along Dequindre Road to Twelve Mile Road; thence west along Twelve Mile to Point A. The voting place shall be at the ~~John Page Middle School, 29615 Tawas Active Adult Center located at 29448 John R Road.~~

**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.** Inspection.

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 4:30 p.m. on regular business days.

**CITY OF MADISON HEIGHTS  
ELECTRONIC COUNCIL AGENDA REQUEST FORM**

SUBMITTED TO: \_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FOR CONSIDERATION AT THE COUNCIL MEETING OF: \_\_\_\_\_

**ACTION REQUESTED**

PRESENTATION _____	FUTURE PUBLIC HEARING _____
PUBLIC HEARING – SPECIAL APPROVAL _____	BID AWARDS / PURCHASES _____
PUBLIC HEARING – OTHER _____	ORDINANCE - FIRST _____
COMMUNICATION _____	ORDINANCE - SECOND _____
REPORT _____	OLD BUSINESS _____

**DESCRIPTION OF ITEM**

\_\_\_\_\_

**IF ORDINANCE, CITE TITLE/CHAPTER SECTIONS**

\_\_\_\_\_

**POLICY CONSIDERATION**

\_\_\_\_\_

**FINANCIAL IMPACT**

No Impact _____	Fee Waiver Proposed _____
Budgeted Fund Name(s) _____	Department Name _____
Appropriated in Acct. No. _____	Budget Amount _____
Amount Available in Acct. _____	
Second Account Number _____	Budget Amount _____
Amount Available in 2 <sup>nd</sup> Acct. _____	Revenue Generated _____
Other Comments _____	

**REVIEW CHECKLIST**

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

CITY MANAGER \_\_\_\_\_ DATE \_\_\_\_\_

**ORDINANCE NO. 2181**

**CITY OF MADISON HEIGHTS,  
OAKLAND COUNTY,  
MICHIGAN**

**AMENDMENT TO THE CODE OF  
ORDINANCES**

An Ordinance to amend Ordinance No. 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights by amending Article XVI, Chapter 7, Section 7-308 of the Code of Ordinances, City of Madison Heights, Michigan, to set the number of licenses for allowed Medical Marihuana Facilities and to amend the community outreach provisions for Medical Marihuana Facilities, to protect the public health, safety and welfare.

**THE CITY OF MADISON HEIGHTS**

**ORDAINS: SECTION 1. Amendment.**

That Article XVI, Chapter 7, Section 7-308 of the Code of Ordinances, City of Madison Heights, Michigan, is amended in their entirety to read as follows:

**ARTICLE XVI. – MEDICAL MARIHUANA**

**FACILITIES**

**Sec. 7-308. – Scoring and Selecting Applicants.**

- (a) In the event the City receives more eligible applications for a specific type of city license than is authorized by the City, the City shall select the Applicant or Applicants most suitable to operate its facility based on an objective and competitive process. This process is subject to the provisions of this Section. This process is only necessary if the City receives more eligible applications than is authorized for any given type of Medical Marihuana Facility.
- (b) The City shall assess, evaluate, score, and rank all impacted applications and issue city licenses to those Applicants receiving the highest score. In its application assessment, evaluation, scoring, ranking, and deliberations, the City shall assess, evaluate, score, and rank each application based upon a scoring and ranking procedure developed by the City consistent with the requirements, conditions, and provisions of this Section. The detailed scoring and ranking system shall be provided to each Applicant and included in the application materials developed by the City.
- (c) Initial scoring and ranking shall be conducted and applied by the City on the basis of assigned points from zero (0) points to two hundred (200) points with the lowest overall total score as zero (0) points and the highest possible total score being two hundred (200) points. Following this process, if no application receives a score higher than one-hundred and seventy (170) points in this process, the City reserves the right to reject all applications. Scoring categories include, and are limited to the following scoring points and criteria:

- (1) The content and sufficiency of the information provided by Applicant in the application. The maximum number of scoring points in this category shall be ten (10) points;
- (2) Whether the Applicant's proposed use is consistent with the land use for the surrounding neighborhood and will not have a detrimental effect on traffic patterns, health, welfare or safety of residents or abutting properties. The maximum number of scoring points in this category shall be ten (10) points;
- (3) Planned neighborhood outreach on behalf of the Applicant, and whether the Applicant or its stakeholders have made, or plan to make, significant physical improvements to the area around the property or other areas contiguous to the property that would include, but not be limited to, plans to eliminate or minimize traffic, noise, and odor effects on the surrounding neighborhood and improve the surrounding neighborhood and area. Planned outreach may also include plans to make significant physical improvements to other local private or public roads, right of ways, alleys, parks or any other private or public property that would benefit the surrounding area. The maximum number of scoring points in this category shall be twenty (20) points.
- (4) The business probity, moral reputation, and relevant criminal history of Applicant or any of its stakeholders; Whether the Applicant or any of its stakeholders have a clean record of acts detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; The maximum number of scoring points in this category shall be ten (10) points.
- (5) Whether Applicant and its stakeholders have made or plan to make significant capital improvements to the proposed facility and/or City. This includes, but is not limited to:
  - (A) The total overall capital investment in funds to be invested in the renovations to the property that will house the proposed marijuana business including the increase in taxable value, the overall investment in equipment, fixtures, and other related items;
  - (B) The total number of years that a property or site, to be renovated by the Applicant, has been vacant;
  - (C) How significant the upgrades or renovations to the property are, such as, but not limited to: the extent of renovations to an existing building or buildings; the extent of new construction of a building or buildings; the extent of renovation to a location or site that may involve a derelict property; the overall size of the site and building or buildings of the proposed renovations;
  - (D) Whether or not the property to be improved has an environmentally friendly design and environmentally friendly production and stormwater management design and plans that improve green infrastructure of the city;

- (E) The extent of, and additions to or extra security measures taken above the minimum security measures required under state law; the extent of, and additions to or other extra measures taken above the state minimum requirements for growing, processing, testing, transporting or selling medical marihuana;
- (F) The extent of upgrades and renovations to the landscaping, parking, lighting and similar to the site and surrounding area.

The maximum number of scoring points in this category shall be fifty (50) points.

- (6) Whether Applicant and its stakeholders have reasonably and tangibly demonstrated that it possesses sufficient financial resources to fund, and the requisite business experience to execute its business plan and proposed operations in its application; Whether Applicant and its stakeholders have reasonably and tangibly disclosed its funding sources and relevant background of those funding sources. Whether the applicant and or any of its stakeholders own similar marihuana industry businesses in the nation with solid business practices. The maximum number of scoring points in this category shall be thirty (30) points;
- (7) The number of full-time and part-time positions anticipated by Applicant, and whether Applicant has articulated plans or strategies to attract, hire and retain employees that are residents of the City. The maximum number of scoring points in this category shall be ten (10) points;
- (8) Whether Applicant has obtained, is likely to obtain, or plans on obtaining additional City Licenses and State operating licenses, under the MMFLA, at its proposed location in the City to co-locate a Class C Grower, a Processor and Provisioning Center at a single location or site within the City. Applications that incorporate, or co-locate, a licensed Class-C grower, licensed processor and licensed provisioning center in the same location, in strict compliance with the conditions and provisions of the MMFLA, the Administrative Rules and this Article for the operation of these three separate licenses at the same location, for each type of license, shall be considered more preferential than single license locations for these specific types of licenses. The maximum number of scoring points in this category shall be forty (40) points;
- (9) Whether the planned signage meets the City ordinance and enhances appearance of property and/or contributes to the streetscape.

The maximum number of scoring points in this category shall be ten (10) points.

- (10) Whether Applicant agrees that if selected, issuance and renewal of Licenses is contingent on joining and participation in the City's Marihuana Community Advisory Committee. Licensees agree to donate \$25,000 annually and provide 1% of annual net profits for use by the Marihuana Community Advisory Committee payable to the City of Madison Heights. The maximum number of scoring points in this category shall be ten (10) points.
- (d) The City may engage professional expert assistance in performing the City's duties and responsibilities under this Section.
- (e) After the City has processed and scored all eligible applications, the City shall prepare a summary and report listing the overall score and basis for this determination for all eligible applications. The City shall then notify the selected Applicants of the granting or denial of a license.
- (f) The City may establish additional application periods for Applicants seeking new licenses for eligible medical marihuana facilities within the City, as needed, via resolution of City Council.
- (g) Any City license issued under this Article must be established and a Certificate of Occupancy issued within six months of issuance, unless extended for good cause shown, or the licensee shall surrender the license if the use is not established within the required time.

## **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. Inspection.**

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 between the hours of 12:30 p.m. and 4:30 p.m. on regular business days.



Special City Council Meeting  
Madison Heights City Council  
Madison Heights, Michigan  
April 11, 2022

A Special City Council Meeting of the Madison Heights City Council was held on Monday, April 11, 2022 at 7:00 p.m. in the Executive Conference Room at the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein. Councilmembers: Bliss, Fleming, Rohrbach, Soltis and Wright. City Manager Marsh, City Attorney Sherman, and City Clerk Rottmann.

**CM-22-111. Meeting Open to the Public.**

There were no members of the public wishing to speak.

**CM-22-112. Closed Meeting – Legal Opinion.**

Motion by Councilor Rohrbach, seconded by Councilman Bliss, to move to a Closed Meeting to discuss a Legal Opinion which is exempt from disclosure as provided for under Section 8 of the Open Meetings Act.

Roll Call Vote:

Yeas: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion Carried

**CM-22-113. Adjournment.**

There being no further business, Mayor Grafstein adjourned the meeting at 7:31 p.m.

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Roslyn Grafstein  
Mayor

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Cheryl E. Rottmann  
City Clerk

Regular Meeting  
Madison Heights City Council  
Madison Heights, Michigan  
April 11, 2022

A Regular Meeting of the Madison Heights City Council was held on Monday, April 11, 2022 at 7:30 p.m. in the Municipal Building at 300 West Thirteen Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein. Councilmembers: Bliss, Fleming, Rohrbach, Soltis and Wright.

Others Present: City Manager Marsh, City Attorney Sherman, and City Clerk Rottmann.

Councilor Rohrbach gave the invocation and the Pledge of Allegiance followed.

**CM-22-114. Appointment of Toya Aaron to the Vacant Council Seat.**

Pursuant to City Charter Section 7.7(a), Clerk Rottmann administered the oath of office to Councilwoman Toya D. Aaron.

**CM-22-115. Mayor Pro Tem Appointment for the Remainder of the Thirty-Fourth City Council.**

Motion by Councilman Soltis, seconded by Councilman Fleming, to appoint Councilman Mark Bliss to serve as Mayor Pro Tem for a term to expire November 13, 2023.

Yeas: Aaron, Bliss, Fleming, Soltis, Grafstein

Nays: Rohrbach, Wright

Motion carried 5-2.

**CM-22-116. 2022 National Animal Control Officer's Week Proclamation.**

City Manager Marsh read the 2022 National Animal Control Officer's Week Proclamation and on behalf of City Council, Mayor Grafstein presented the resolution to Animal Control Officer Holland.

**CM-22-117. 2022 National Public Safety Telecommunication Week Proclamation.**

City Manager Marsh read the 2022 National Public Safety Telecommunication Week Proclamation and on behalf of City Council, Mayor Grafstein presented the resolution to Police Service Assistant Dispatcher Thayer.

**CM-22-118. Meeting Open to the Public.**

Peter Taylor spoke regarding litigation.

Mike McFall introduced himself and stated that he was a Hazel Park City Councilmember and Mayor Pro Tem as well as a current candidate for State House District 3.

Vita Palazzolo congratulated Councilwoman Aaron and wished Council luck with all the changes as they move forward. She noted that the dumpster at the former Sav-a-lot is decrepit and asked if John R was going to be fixed south of 12 Mile in the near future.

Delores Molwry expressed concerns about Active Adult Center move regarding building finishes and lack of participation in the selection process.

Suzanne Patton supported appointing Council representative and Council alternate to the Active Adult Center Advisory Board, that those members can attend their afternoon meetings.

**CM-22-119. Toya Aaron Resignation from the Human Relations and Equity Commission.**

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to accept the resignation of Toya Aaron from the Human Relations and Equity Commission and declare the seat vacant.

Yeas: Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Abstain: Aaron

Motion carried.

**CM-22-120. Resolution to Declare Arbor Day.**

Motion by Councilor Rohrbach, seconded by Councilor Wright, to adopt the Resolution to Declaring Friday, April 29, 2022, as Arbor Day in the City of Madison Heights as follows:

**RESOLUTION OF THE CITY OF MADISON HEIGHTS, COMMITTING TO  
HONORING ARBOR DAY.**

WHEREAS, the City of Madison Heights is committed to establishing a strong tree canopy within the city; and

WHEREAS, trees are proven to improve air quality, cut heating and cooling costs, moderate the temperature, produce life-giving oxygen,

provide habitat for wildlife and reduce the erosion of topsoil by wind and water; and

WHEREAS, in 1872, J. Sterling Morton proposed to Nebraska Board of Agriculture that a special day be set aside for planting of trees, and

WHEREAS, this holiday is called Arbor Day and in 2022 this holiday is nationally observed on April 29, 2022; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, AS FOLLOWS:**

Recognizing that trees, in addition to all the benefits listed above, increase property values, enhance the economic vitality of business areas, and beautify our community; and,

On April 29, 2022 in honor of Arbor Day, the City Department of Services will announce our new residential tree program with additional funding, and celebration of the City's Second Tree City Award Presentation,

The City Council and Staff is dedicated to including tree replacements in future budgets including grant matches for any tree grants available;

Furthermore, the City of Madison Heights urges all citizens to celebrate Arbor Day and to support efforts to protect our trees increasing the City tree canopy to promote the well-being of our community.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

**CM-22-121. Narcotics Enforcement Team (NET)/High Intensity Drug Trafficking Area (HIDA) Agreement and Resolution.**

Motion by Councilman Soltis, seconded by Councilman Fleming, to adopt the following resolution and approve the 2022 High Intensity Drug Trafficking Area (HIDTA) Subrecipient Agreement between the County of Oakland and City of Madison Heights authorizing the City Manager and City Clerk to sign on behalf of the City:

**RESOLUTION OF SUBRECIPIENT AGREEMENT FOR THE SHERIFFS OFFICE NARCOTICS ENFORCMENT TEAM HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA)**

WHEREAS, Oakland County as the legal entity that administers N.E.T., submitted an Initiative Description and Budget Proposal to the Executive

Board for Michigan HIDTA requesting the United States Office of National Drug Control Policy (ONDCP) to grant N.E.T. an award of \$135,000 for program year (PY) 2022 to reimburse N.E.T. participating agencies for eligible law enforcement officer overtime costs; and,

WHEREAS, if ONDCP grants N.E.T. an award for PY 2022, the ONDCP disburses the HIDTA funds to the Michigan State Police (MSP); and,

WHEREAS, the County has the authority to allocate a portion of the Grant funds to reimburse a participating municipality for qualifying overtime costs subject to the terms and conditions of the agreement; and,

WHEREAS, the County requires any participating unit of government to approve the proposed Subrecipient Agreement by Resolution of the governing board of the local unit of government; and,

WHEREAS, the Oakland County Board of Commissioners has agreed to the attached Subrecipient Agreement; and,

WHEREAS, the City of Madison Heights desires to enter into the attached Subrecipient Agreement between the City and Oakland County; and

WHEREAS, Oakland County Corporate Council and the City of Madison Heights City Attorney's Office have approved the attached Subrecipient Agreement.

NOW THEREFORE BE IT RESOLVED that the City of Madison Heights City Council approves the attached Subrecipient Agreement with the County of Oakland and authorizes the City Manager and City Clerk to sign the agreement.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

**CM-22-122. Resolution Demanding Impacted Great Lakes Water Authority (GLWA) Member Communities not be Responsible for the City of Highland Park's GLWA Debt.**

Motion by Councilman Bliss, seconded by Councilor Rohrbach, to adopt the Resolution Demanding Impacted GLWA Member Communities not be Responsible for the City of Highland Park's GLWA Debt, as follows:

**RESOLUTION DEMANDING IMPACTED GLWA MEMBER  
COMMUNITIES NOT BE RESPONSIBLE FOR THE CITY OF HIGHLAND  
PARK'S GLWA DEBT**

**WHEREAS** the City of Madison Heights receives water services from the Great Lakes Water Authority (GLWA) and are paying members of the GLWA; and

**WHEREAS** the State of Michigan has a direct role in GLWA providing water services to the City of Highland Park; and

**WHEREAS** the State of Michigan requested then Detroit Water and Sewerage Department (DWSD) provide emergency water services to the City of Highland Park because the State of Michigan determined Highland Park's water treatment plant was creating a public health risk to its residents; and

**WHEREAS** on November 12, 2012 the State of Michigan stated the repairs to the water treatment plant were to be completed in 3-4 days; and

**WHEREAS** neither the State of Michigan or the City of Highland Park repaired the water treatment plant and it remains shuttered to this day; and

**WHEREAS** the City of Highland Park has paid less than 1% of their water services charges since 2012; and

**WHEREAS** since 2012 Highland Park has accumulated \$54,233,700 in debt to GLWA for both water and sewer services. Should their payment pattern continue, this debt will rise to \$60,977,600 by the end of FY 2023; and

**WHEREAS** of the \$54,233,700 debt Highland Park has accumulated since 2012 \$19,882,700 (36%) has been allocated to the paying members of the system; and

**WHEREAS** of the \$60,977,600 debt that will be accumulated by the end of 2023, a total of \$60,900 will be allocated to Madison Heights for this debt; and

**WHEREAS** Madison Heights has always paid GLWA our services for water in a timely manner; now

**THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Madison Heights City Council requests the State of Michigan and the Great Lakes Water Authority do not require the 87 paying member communities to pay for the City of Highland Park's debt to GLWA.
2. The City of Madison Heights will NOT pay any more towards Highland Park's debt for FY 2022 and will NOT pay towards the debt in FY 2023 or beyond.
3. The Madison Heights City Council hereby requests the State of Michigan to become directly involved in solving this dispute.
4. The Madison Heights City Council hereby requests the State of Michigan reimburse all member communities for the almost \$14 million that has already been paid towards this date since 2017.
5. The Madison Heights City Council hereby implores the State of Michigan to develop a long-term infrastructure solution to address the water and sewer issues in Highland Park.
6. The Madison Heights City Council calls on the State of Michigan and the legislature to create a system in which this situation of non-payment and communities being charged the non-payment cannot happen in the future.
7. The Madison Heights City Council hereby requests that our state legislators and our Oakland County Commissioners call on the State of Michigan to not require impacted member partner communities to pay for the City of Highland Park's debt to the GLWA and that the State of Michigan reimburse the debt amounts already paid.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

**CM-22-123. Partners in Architecture Construction Documents.**

Motion by Councilor Rohrbach, seconded by Councilman Fleming, to approve moving to the Construction Documents and Bidding stage of the contract with Partners in Architecture for \$431,400 pending final approval from the City Attorney, engineering and staff review.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

**CM-22-124. Ordinance No. 2180, Amendment to Precinct 8 Polling Location – First Reading.**

Motion by Councilwoman Aaron, seconded by Councilor Rohrbach, to approve Ordinance No. 2180, Amendment to Precinct 8 Polling Location on First Reading by name and title only as follows, and schedule a Second Reading for April 25, 2022:

**ORDINANCE NO. 2180**

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 CHAPTER 10, SECTION 10-1, OF THE CODE OF ORDINANCES, CITY OF MADISON HEIGHTS, MICHIGAN, AMENDMENT TO POLLING LOCATIONS FOR THE CITY OF MADISON HEIGHTS

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein  
Nays: None  
Motion carried.

**CM-22-125. Minutes.**

Motion by Mayor Pro Tem Bliss, seconded by Councilman Fleming, to approve the Special City Council meeting minutes of 03-28-22 and the Regular City Council meeting minutes of 03-28-22, as printed.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein  
Nays: None  
Motion carried.

**CM-22-126. Council Appointments.**

Council Appointments to the Library Advisory Board/Parks and Recreation Advisory Board/Zoning Board of Appeals

Motion by Councilman Fleming, seconded by Mayor Pro Tem Bliss, to appoint Councilwoman Aaron to the following boards/commissions with terms to expire 11-13-23:

Library Advisory Board – Council Representative  
Parks and Recreation Advisory Board – Council Alternate  
Zoning Board of Appeals – Council Representative

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein  
Nays: None  
Motion carried.



*Council Resignation from the Active Adult Advisory Board*

Motion by Councilor Rohrbach, seconded by Councilwoman Aaron, to accept the resignation of Councilman Soltis as the Council Alternate from the Active Adult Advisory Board and declare the seat vacant.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

*Council Appointments to the Active Adult Center*

Motion by Councilman Soltis, seconded by Councilor Rohrbach, to appoint Councilor Wright as the Council Representative and Councilman Fleming as the Council Alternate to the Active Adult Advisory Board with terms to expire 11-13-23.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

*Council Appointments to the Historical Commission*

Motion by Councilwoman Aaron, seconded by Councilman Fleming, to appoint Mayor Pro Tem Bliss as the Council Representative to the Historical Commission with a term to expire 11-13-23 and declare the Council Alternate seat vacant.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

Motion by Mayor Pro Tem Bliss, seconded by Councilman Soltis, to appoint Councilman Fleming as the Council Alternate on the Historical Commission with a term to expire 11-13-23.

Yeas: Aaron, Bliss, Fleming, Rohrbach, Soltis, Wright, Grafstein

Nays: None

Motion carried.

**CM-22-127. Mayor and Council - Comments.**

Councilwoman Aaron thanked Council and the City for accepting her as a new Councilmember and stated that she is looking forward to working with everyone. She commented that it is an honor and a privilege to serve on Council and she will not take it for granted. While this is not how she intended

to come to the position, God has a plan that we may not always understand. She stated that while she may have not been close to Councilman Corbett, she realizes that she has some big shoes to fill. After listening over the past couple of weeks and reading his obituary, she realizes that Bob Corbett was an intelligent man who had a listening ear, was witty and he knew how to make people feel comfortable and she hopes to do the same. She stated that she wants to do what's best for the community as she fills the remainder of his term. Bob Corbett shared his thoughts and opinions and she wants to fill out his term with competency, integrity, with dignity and grace and she gave God praise for the opportunity. She thanked Linda Corbett for sharing her husband with the community for the last 20 years.

Mayor Pro Tem Bliss thanked his peers for having faith in him for finishing out Bob Corbett's Mayor Pro Tem term. It is a responsibility he does not take lightly. He committed to serving out his term with the same honor, passion and generosity that Bob Corbett served this City. While he wished the circumstances were different, he welcomed Councilwoman Aaron and believes that she is up to the challenge; her passion for the City will serve the citizens well. This is a historically unusual time for City Council. Not only do we have three appointed members of Council; but this is the first time in decades that the majority of Council is in their first terms. He has watched through the years where Council has weathered many storms and every time the City came through stronger. He stated that he will do his best to help any member of Council in any capacity. He noted that every Councilmember has school age children, which is a first for Council and a unique perspective. There are a lot of new voices; if you have any ideas please reach out.

Councilor Wright expressed congratulations to Councilwoman Aaron and it is amazing how things have changed since last November's Election Day. He congratulated Mayor Pro Tem Bliss and commented that despite his vote earlier on the Mayor Pro Tem position, he believes Mark will be a great mentor. The second annual Juneteenth is coming up, he will be overseeing the barbecue contest; if you'd like to participate, please reach out. Most of all, remember to be kind and show grace.

City Attorney Sherman welcomed Councilwoman Aaron and congratulated her on her appointment; he is looking forward to working together. He concurs with all of the comments on Bob Corbett this evening. He congratulated Mayor Pro Tem Bliss on his appointment.

City Manager Marsh echoed the congratulation comments for Councilwoman Aaron. She announced a Special Council meeting next Monday on the budget; all are invited.

City Clerk Rottmann welcomed Councilwoman Aaron and congratulated Mayor Pro Tem Bliss on his appointment.

Councilor Rohrbach welcomed Councilwoman Aaron. She stated that we are all here because we love the City and want to do good things. The mural project at Huffman Park is taking submissions from artists for designs through April 30<sup>th</sup>. She stated that she is excited for Parks and Recreation Commission work and noted that the new play structure at Rosie's Park is getting closer to completion. She stated that the City has planted over 400 trees this year and she is proud of that accomplishment. She noted that John R Road is scheduled to be worked on this year. She thanked Mike McFall for attending and wishes him the best of luck.

Councilman Fleming welcomed Councilwoman Aaron, stating she will be a great addition to the Council. He congratulated Mayor Pro Tem Bliss. This April brings many holidays including Ramadan, Passover and Easter - so happy holidays to all that celebrate.

Councilman Soltis congratulated Councilwoman Aaron. He recognized the longest serving Councilwoman, Margene Scott, in the audience. He thanked Police Chief Haines, noting that he and the Chief finished their season of coaching of little league basketball together. They emphasized teaching respect and hard work, and wanted the kids not to worry about the score.

Mayor Grafstein welcomed Councilwoman Aaron, congratulated Mayor Pro Tem Bliss and agreed it is going to be a large learning curve for Council. We will be relying on each other and staff to help each other, but regardless, we need to keep moving forward. She reminded everyone not to speed and pay attention to the street signs, walkers and bikers. She wished everyone a Happy Easter, Passover and Ramadan. The next meeting is the April 18<sup>th</sup> budget meeting and the next regular Council meeting is on April 25<sup>th</sup>.

**CM-22-128. Adjournment.**

There being no further business, the meeting was adjourned at 8:47 p.m.

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Roslyn Grafstein  
Mayor

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Cheryl E. Rottmann  
City Clerk

Special Council Meeting  
Madison Heights City Council  
Madison Heights, Michigan  
April 18, 2022

A Special Meeting of the Madison Heights City Council was held on Monday, April 18, 2022, in the Council Chambers of the Municipal Building at 300 W. 13 Mile Road, Madison Heights, Michigan.

Present: Mayor Grafstein, Mayor Pro Tem Bliss. (Councilmembers: Aaron, Fleming, Rohrbach, Soltis (arrived 6:22 p.m.) and Wright.

Absent: Councilman Soltis.

Also Present: City Manager Marsh, Deputy City Manager/Police Chief Haines, City Clerk Rottmann, Community and Economic Development Director Tucker, Finance Director Kunath, Fire Chief Lelito, Human Resources Director Mischak, Library Director Verdun-Morris, Public Services Director Almas, Public Works Supervisor Sean Ballantine, Assistant to the City Manager Adam Owczarzak.

**CM-22-129. Meeting Open to the Public.**

There were no members of the public wishing to speak.

**CM-22-130. Presentation and Review of Proposed FY 2022-23 and FY 2023-24 Budget.**

Mayor Grafstein welcomed everyone to the Special Council Meeting to review the Proposed Fiscal Year (FY) 2022-2023 and (FY) 2023-2024 Budgets.

City Manager Marsh and Finance Director Kunath provided the Council with an overview presentation of the Proposed FY 2022-2023 and FY 2023-2024 Budgets.

City Manager Marsh began the presentation by commending the Finance Director Linda Kunath, Assistant to the City Manager Owczarzak and all of the Department Heads, and staff for their work in preparing a priority based plan that continues to maintain existing services, and implement year four of an ambitious City strategic plan. She also thanked City Council for their leadership and in planning the City's financial operations responsibly and progressively.

Ms. Marsh continued by stating the Proposed Budget is presented in accordance with a detailed calendar that is contained in the Policy Document. Last fall, the annual budget process formally began with the development of the Long Range Financial Outlook presented to Council in November. In December we started updating the strategic plan with City Council which led to the completion of the Capital Improvement Plan. Preparation of the Operating Budget began in January and following the strategic plan development, the Proposed Budget was submitted to Council on April 7<sup>th</sup>. The remaining highlights of the budget calendar include tonight's Council Budget Presentation and Workshop, and the adoption of the Budget and Tax Levy scheduled to take place on the Council agenda the second Monday in May, which is May 9<sup>th</sup>.

### Approved Budget Goals and Policies

In preparing the budget, Finance Director Kunath stated that the goals and financial policies adopted by City Council guided our process. First, staff has conservatively estimated revenues and expenditures, including a thorough review of each department with the respective department head, and a careful and updated analysis of projected revenues. Second, we balanced each special millage with the applicable expenses, focusing on millage reserves and prioritized, needed projects. Third, we analyzed projected fund balance levels and, working with City Council through the goal setting process, strategically allocated a minimum use of fund balance to cover goal priorities allowing us to maintain the target fund balance. And fourth, we reviewed taxes and fees being charged to the residents and businesses, resulting in a millage reduction from FY 2022 level.

Ms. Kunath stated that the total Budget equates to \$68.7 million in FY 2023 and \$56.9 million in FY 2024 exclusive of interfund transfers. This multi-year Budget includes proposals for 14 appropriated funds and represents an increase of \$11.8 million or 20.7% over FY 2022. The majority of this increase is due to funding for the Civic Center Plaza and Fire Station #2 renovation projects. The operating budget, across all funds, is projected to increase by \$1.3 million or 2.73%, and the capital budget increases by \$10.5 million.

### Financial Challenges

Finance Director Kunath discussed the financial challenges the City faces. She stated that looking ahead to Fiscal 2023; grant funding opportunities have given us an optimistic view of the economy. Several unprecedented factors are taking place which include the federal governments one-time boost through the American Recovery Plan Act and other grants focused on parks and infrastructure improvements, the strong housing market, along with historic inflation, not seen in a generation, and how we continue to deal with implementing a new normal around the COVID-19 pandemic.

In addition to this watchful eye on the economy, Ms. Kunath stated we

continue to face four major financial challenges. The number one long-term challenge is the broken funding model for municipalities across the State. Although the State of Michigan and the regional economy continues to grow steadily, the cumulative effect of the interaction between the Headlee Amendment and Proposal “A” cap the amount of increase in taxable value a municipality can have to the lesser of 5% or the State approved Inflation Rate Multiplier, with no cap on the decreases. In FY 2023, this multiplier is 3.3%, which caps the City’s overall taxable revenue growth. Until the State reforms the structure of restricting municipal revenue growth, the City will continue to struggle to keep up with the actual cost of inflation while being pressured to provide services. Even with historical increases in market values of homes in the area, the City’s taxable value is only at 78.8% of the taxable value it was in 2008.

Ms. Kunath noted that the second major financial challenge is the legacy cost for pensions. As of June 30, 2021, the unfunded liabilities for Pensions were \$44.4 million for the Police and Fire Pension system and \$2.9 for the General Employees system. Although the General Employee pension system is closed, the liability grows as assumptions are adjusted to actual market projections and experience, which affect the annual contribution calculation. The Budget includes the actuarially required contributions for the police and fire system of pensions in FY 2023 of \$3.8 million, 63.2% of payroll with an additional contribution planned for \$1.8 million.

Ms. Kunath noted that the third major financial challenge is state funding of local municipalities. Michigan’s state revenue sharing began in the 1930s by taxing businesses with liquor licenses. Of that revenue, 85% went to fund municipalities. In 1946, the state constitution was amended to guarantee local government revenues based on 15 percent of sales tax revenues, allocated per capita. In 1998, state law was amended to provide statutory payments based on a percentage of sales taxes. This revenue is not guaranteed, and it has gone through numerous formula changes and has not been fully funded since 2001. Over the past twenty years, local governments have lost millions of dollars due to these changes in state revenues sharing. From fiscal years 2002 through 2021, Madison Heights has lost \$20.3 million during this period of disinvestment. Michigan has cut support for cities more than any other state since 2002, forcing municipalities to reduce services staff and look for new ways to fund the status quo. The Budget includes increasing state revenue sharing based on recent State projections for a total budget of \$3.45 million for, constitutional and statutory revenue sharing, by comparison, in 2006, Madison Heights received \$4.0 million.

Regarding Other Funds, Ms. Kunath stated that maintaining the City’s infrastructure continues to be a challenge. In recent years, with the increase in vehicle registration fees and fuel tax increases, the State of Michigan Department of Transportation started to increase funding to municipalities for

local and major road repair and maintenance. However, the FY 2023 budget includes a slight decrease from FY 2022 levels for the Major Street fund of \$25,969 before an increase of \$40,000 in FY 2024. We continue to plan for an aggressive sectional concrete replacement program in the upcoming two budget years and continue to save funds for the future replacement of the City portion of John R road, including the \$607,305 budgeted in FY 2024 for the City portion of the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for John R from 11 Mile to 14 Mile. The total cost of this project is \$25,963,751.

#### Strategic Plan and Budget

City Manager Marsh stated that starting in the fall of 2018, City Council and Staff worked to develop plans that articulated a future vision for the community. These plans considered everyone who lives, works and visits Madison Heights and centered on developing a solid tax base to allow us to build a strong community and provide services at superior levels. We are now in year four of the original Plan that was expanded to include a 6<sup>th</sup> focus area this year. These priorities guide the budget process and include Public Safety, Infrastructure/Capital Assets, Quality of Life, Economic Development, Financial Stability, and Sustainability.

Ms. Marsh continued that by using this strategic planning as a foundation, this Proposed Budget includes many priorities and addresses the following key issues:

*Public Safety* – At the request of 2 school districts, this Budget includes the addition of two school liaison patrol officers to be funded at 60% by each school district and 40% by the City. Also, starting in FY 2023 staff is creating focused neighborhood improvements areas as described in the City’s master plan. The City has identified neighborhood areas to be “wrapped” with City programming opportunities to promote sustainable improvements such as home repairs, code enforcement education and public amenities. This program is included in the budget at \$3,000 from the General Fund and \$56,000 CDBG. In addition to these budget allocations the City has applied for Michigan State Housing Development Authority (MSHDA) grant for \$25,000, a federal grant for \$850,000 in partnership with Habitat for Humanity of Oakland County and we have received public donations for \$27,000.

*Infrastructure* – The City eliminated expenditures related to most capital investment and maintenance issues during the recession unless they reached an emergency level. This resulted in needed repairs of \$15.5 million at City Hall, Library, Active Adult Center, and Fire Station #2. Faced with this significant expense, staff began investigating other options; as a result this budget includes \$2.0 million for Fire Station #2 renovation and \$10.7 million for Civic Center Plaza project (City Hall, Library and Active Adult Center).

*Quality of Life* – In March 2021, the City finalized the Parks and Recreation Master Plan. In FY 2022, the budget included \$609,625 in Park improvements from the strategic plan. This funding was maximized by utilizing grant money resulting in over \$890,000 of improvements to our Park system. The FY 2023 continues to address Park issues with an additional \$645,000 of investment, including \$50,000 for a special project allocation. This special project funding can be carried forward into future budget years to “save” for a major park enhancement or utilized to match grant opportunities.

*Economic Development* – In FY 2021, the Community and Economic Development Department started working with the Michigan Economic Development Corporation (MEDC) to gain recognition as a Redevelopment Ready Community (RRC). This program provides funding to implement best practices for economic development across the State. Three major areas the City is budgeting to address are an update to our Zoning Ordinance, making it user-friendly and updating many standards, training for Zoning Board of Appeals and Planning Commission, and creating a formal Economic Development and Marketing Plan. Much of this will be handled in-house at no additional budgeted cost, except for the Zoning Ordinance update (\$55,000 offset by a \$30,000 grant from MEDC). This update has been approved by City Council.

*Financial Sustainability* - The City has had a long-standing reputation of having strong financial policies and practices. These have been enhanced with our strategic planning process and multi-year budgeting. Since 2007, this budget process has highlighted the City’s major financial challenges as the legacy cost of pensions and retiree health care. In calendar year 2021, administration made significant changes to retiree health care bringing it in line with health insurance offered to active employees. The FY 2023 budget reflects this change by moving the funding for retiree’s health care premiums to the retiree health care trust instead of being paid from current General Fund resources. This move allows us the funding to budget additional funds to improve the City’s Police and Fire Pension, which is currently only 51.5% funded, by including an additional contribution of \$1.8 million above the actuarially required contribution required this year. As a new focus area this year, sustainability projects are initially included in the Budget at \$47,000 to continue repopulating the tree canopy in the City. Tree City recognition was received for the second year and we were also awarded the Growth award. The City is also working with the local electricity provider DTE on an electrical vehicle assessment. The FY 2023 budget does not include funding for any (EV) projects; however, we anticipate studying this issue and implementing budgeted programs such as charging stations and fleet conversions starting in FY 2024. FY 2023 will also see the completion of a storm water study that will address how the City passes through the charges from Oakland County to customers of the system.



### Operating Budget Highlights

Finance Director Kunath noted that General Fund Revenues are budgeted at \$35.8 million exclusive of Transfers and the planned use of fund balance of \$5.1 million. This represents an increase of \$3.8 million, or 12.1% from the FY 2022 Amended Budget. This increase in revenue is primarily due to increased federal revenue from the American Rescue Plan Act (ARPA) and is reflective of the taxable value increases. Property taxes are the City's largest revenue source and are increasing by \$1.6 million. Several other revenue sources are estimated to return to historical averages, as we continue to return to normal from COVID-19 restrictions. Revenues such as Court Services and programming from Recreation, Library, and Active Adult Center are some of those.

Ms. Kunath stated that Fiscal Year 2023 budget is balanced with an overall millage rate of 26.0771 mills, which is .1875 mills less than FY 2022. The City continues to have General Operating millage capacity for upcoming years. For Fiscal 2023 the average home market value is \$154,909 with a taxable value of \$47,605 and an average tax bill of \$1,241.40 for City services.

Due to strong financial management, Ms. Kunath stated that our City survived the worst economic decline in our history and has emerged with strong financial reserves across major funds, allowing us the ability to use this reserve to make much-needed investments in our community. As of June 30, 2021, the General Fund unreserved, but assigned fund balance was \$13 million. This fund balance is intentionally higher than average as we saved funding for the construction and renovation projects reference throughout the presentation. The financial policies approved by the City Council, directs staff to keep a fund balance equal to or above 16% of regular operating expenditures plus one year of debt payments. Based on projections, this fund balance will be reduced to \$7 million at the end of FY 2023, or 3.7% above the required 16%, plus one year of debt payments. Staff was mindful of the policy as we established the Citywide Strategic Plan and proposed this Budget for Council consideration.

Ms. Kunath noted that as of June 30, 2023, the City will be at 12.15% of the City's debt limit of \$139 million, which is based on 10% of assessed valuation. The City will have general obligation bonds outstanding in the amount of \$6.5 million of a new issue for Civic Center Project Bond, \$450,000 of an original \$5.9 million Fire Station Bond issue, and \$9.9 million of a \$15.2 million issue for general employee pension. The City is also responsible for our share of seven bonds (not counted toward the debt limit) related to the George W. Kuhn Drain project for a total of \$1.6 million. Ms. Kunath shared excellent news occurred last week for the City's government bond rating. S&P Global Ratings raised its rating on Madison Heights general obligation debt one notch to AA from AA-. At the same time, S&P Global Ratings assigned its 'AA' long-term rating to Madison Heights' \$6.5 million series 2022 limited-tax general obligation capital improvement bonds. The outlook on all ratings is stable. The

upgrade is said to reflect marked improvement in the city's underlying economic metrics and progress made in significantly reducing the size of the city's other postemployment benefits liabilities. The committee was impressed with City management's efforts and improvements since the last rating in June 2016; an increase in assigned rating will equate to lower interest rates for City general obligation bond issuances.

Ms. Kunath stated that Fiscal Year 2023 Capital Outlay purchases total \$19.5 million for all funds including \$14.7 million for the General Fund. This budget focuses on Quality of Life improvements including the construction for the relocation of the Active Adult Center to the City Complex, and renovation of the City Hall and Library, as well as renovation of Fire Station #2. Other General fund Capital includes Public Safety facility improvement projects such as \$155,000 for the final phase of upgrades to the Police Station HVAC, year 3 of the Police Body Cams, flooring for Police Dispatch area, and purchase of five patrol and department vehicles; \$62,000 is budgeted to replace courtroom recording equipment that is over 20 years old, phase funding vehicles for Fire and Streets departments, and the replacement of an Active Adult Center Van.

Ms. Kunath advised we continue to focus on Quality of Life improvements by highlighting our Parks. As a result of last year's review of City Parks, FY 2023 Budget includes \$645,000 funding for improvements at Rosie's Park Gardenia Parking Lot, Soccer Field Irrigation System, and Pavilion, Athletic Fields lighting analysis and upgrade, Civic Center playscape replacement, and for the first year, a special project fund.

#### Other Funds and Capital Outlay Expenditures

Finance Director Kunath reviewed the following Capital Outlay Expenditures and Other Funds:

*Road Rehabilitation* - Streets and Utility funds include capital outlay of \$4.5 million. The majority of this amount, or \$3.3 million, is budgeted for road rehabilitation and reconstruction projects including Proposal R-3 dedicated millage projects, major and local roads sectional work.

*Major Street Fund* - The Major Street Fund is projected to have a slight decrease in revenues. This is based on MDOT's projections of revenues from fuel tax and vehicle registration fees, our agreement with Oakland and Macomb Counties. Rehabilitation work is being budgeted in FY 2023 for a total of \$1 million. This includes \$250,000 for John R Overlay from 11 Mile to 12 ½ Mile and \$775,000 on Park Court from 11 Mile to Connie.

*Local Street Fund* - The Local Streets Fund accounts for expenditures associated with the construction and maintenance needs of our local street network and can be divided into Proposal "R-3" road construction and non-"R-3" related expenditures. Fiscal 2023 is the fifth year of the Proposal "R-3"

program. The Proposal “R-3” road construction projects scheduled for this year include West Greig, Palmer, and Brush for a total of \$1.56 million. Other projects include Non-R street sectional repairs for \$700,000 and Past R-Street sectional repairs for \$75,000.

*Water and Sewer* - In the Water and Sewer Fund, \$705,000 is budgeted for water main replacement and additional funding for sanitary sewer rehabilitation program, lease payments for two trucks, and pavement repairs at the water sewer building. In 2017, we split the Oakland County storm water charge out of the sewer rate and charged it by parcel based on impervious and pervious surface. This was a pass through charge. Due to a class action lawsuit challenging the method we charged this treatment we are undergoing a storm water flow and rate study. As a result, the proposed budget does not include changes to the rate structure at this time. We do anticipate updating City Council on the results of the study and recommendations, later in FY 2023.

After today’s workshop, Ms. Marsh outlined the plan will be to move forward with the May 16<sup>th</sup> Public Hearing and Adoption of the Budget, in compliance with the City Charter requirement to adopt the Budget no later than the third Monday in May.

City Manager Marsh stated that she wanted to take an opportunity to review the Civic Center renovation project since this is the largest capital improvement project in the City’s history with a \$12.7 million project budget. Funding for the project is through a municipal bond issuance of \$6.3 million, utilization of \$3.1 million of American Rescue Act Funds and assigned use of \$1.2 million Fund Balance. Part of this project includes the renovation of Fire Station 2 which is approximately \$2 million. The project is going out to bid on May 10<sup>th</sup> and she reviewed the layout, rendering, and exterior design.

City Manager Marsh stated that she would be happy to answer any questions either on the budget or the Civic Center Complex project.

In response to Mayor Pro Tem Bliss’ questions, Ms. Marsh answered that there will be a Council conference room directly adjacent to the new Council Chambers and the Council mail room will be where the current City mail room is located.

In response to Councilman Fleming’s question, Ms. Marsh responded that that John R will be undergoing construction in the future. This is a joint project between the City, County and SMART; however, the budget doesn’t reflect the construction costs yet due to the City resubmitting our application for a U.S. Department of Transportation RAISE grant. The project is anticipated to commence sometime in 2024/2025.

In response to Mayor Pro Tem Bliss' question, Ms. Marsh answered that Information Technology is anticipating beginning IT penetration testing this fiscal year; however she would gather more specific information and report back. In addition, she stated that funding for Library Improvements include creating a Maker's Space. She added that funding for Library improvements for the Civic Center renovations were received from the Federal Government.

City Manager Marsh then reviewed each of the major budget funds including how the monies are allocated and how they were funded. She reviewed the following funds: Major Streets, Local Streets, Parks and Maintenance Improvements, Downtown Development Authority, Drug Forfeiture, Community Improvement, Fire Station Bond, Municipal Building, Water and Sewer, Motor Pool, and the Department of Public Services.

Mayor Grafstein thanked the City Manager, Finance Director and Department Heads for the work on budget and expressed her congratulations on the improved bond rating.

**CM-22-131. Adjournment.**

There being no further business, the Special Meeting was adjourned at 6:52 p.m.

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Roslyn Grafstein  
Mayor

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Cheryl E. Rottmann  
City Clerk